

Union Calendar No. 325

108TH CONGRESS
2D SESSION

H. R. 3266

[Report No. 108–460, Parts I, II, III, and IV]

To authorize the Secretary of Homeland Security to make grants to first responders, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2003

Mr. COX introduced the following bill; which was referred to the Select Committee on Homeland Security, and in addition to the Committees on Transportation and Infrastructure, the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

APRIL 2, 2004

Reported from the Select Committee on Homeland Security with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

APRIL 2, 2004

Referral to the Committees on Transportation and Infrastructure, the Judiciary, and Energy and Commerce extended for a period ending not later than June 7, 2004

APRIL 2, 2004

Referred to the Committee on Science for a period ending not later than April 2, 2004 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(n), rule X

APRIL 2, 2004

The Committee on Science discharged

JUNE 3, 2004

Referral to the Committees on Transportation and Infrastructure, the Judiciary,

ary, and Energy and Commerce extended for a period ending not later than June 14, 2004

JUNE 14, 2004

Referral to the Committees on Transportation and Infrastructure, the Judiciary, and Energy and Commerce extended for a period ending not later than June 21, 2004

JUNE 14, 2004

Reported from the Committee on Energy and Commerce with an amendment
[Strike out all after the enacting clause and insert the part printed in boldface italic]

JUNE 21, 2004

Reported from the Committee on Transportation and Infrastructure with amendments

[Strike out all after the enacting clause and insert the part printed in boldface roman and amend the title]

JUNE 21, 2004

Additional sponsors: Mrs. MYRICK, Mr. SHAYS, Mr. WELDON of Pennsylvania, Ms. DUNN, Mr. GIBBONS, Mr. SHADEGG, Mr. KING of New York, Mr. SWEENEY, Mr. FOSSELLA, Mr. WILSON of South Carolina, Mrs. MILLER of Michigan, Mr. BRADY of Texas, Mr. FROST, Mr. TURNER of Ohio, Mr. RANGEL, Mr. GARRETT of New Jersey, Mr. CAMP, Mr. LINCOLN DIAZ-BALART of Florida, Mr. THORNBERRY, Mr. SESSIONS, Mr. SMITH of Michigan, Mr. CALVERT, Mr. RUPPERSBERGER, Mrs. NAPOLITANO, Mr. STENHOLM, Mr. TURNER OF TEXAS, Ms. JACKSON-LEE of Texas, Mr. PASCRELL, Mr. MARKEY, Mrs. MCCARTHY of New York, Mr. OWENS, Mr. LANGEVIN, Mr. WEINER, Mr. SMITH of Texas, Mr. HUNTER, Mr. BOEHLERT, Mr. HOLDEN, Mr. GALLEGLY, Mr. NADLER, Mrs. CHRISTENSEN, Mr. CARDIN, Mr. GONZALEZ, Mr. DICKS, Mr. FEENEY, Ms. HARMAN, Mr. KELLER, Mr. ANDREWS, Mr. MEEK of Florida, Mr. WELDON of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. ROGERS of Michigan, Mr. GOSS, Mr. GOODLATTE, Mr. HOLT, Mr. LEWIS of California, Mr. BECERRA, Mr. LANTOS, Mr. MEEHAN, Mrs. DAVIS of California, Mr. SMITH of New Jersey, Mrs. MALONEY, and Mr. LEWIS of Georgia

JUNE 21, 2004

Reported from the Committee on the Judiciary with an amendment; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic in brackets]

[For text of introduced bill, see copy of bill as introduced on October 8, 2003]

A BILL

To authorize the Secretary of Homeland Security to make grants to first responders, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
5 *“Faster and Smarter Funding for First Responders Act of*
6 *2004”.*

7 (b) *TABLE OF CONTENTS.*—*The table of contents for*
8 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Faster and Smarter Funding for First Responders.

“TITLE XVIII—FUNDING FOR FIRST RESPONDERS

“1801. Faster and smarter funding for first responders.

“1802. Essential capabilities for first responders.

“1803. Task Force on Essential Capabilities for First Responders.

“1804. Covered grant eligibility and criteria.

“1805. Use of funds and accountability requirements.

“1806. National standards for first responder equipment and training.

“1807. Definitions.

Sec. 4. Modification of Homeland Security Advisory System.

“Sec. 203. Homeland Security Advisory System.

Sec. 5. Coordination of industry efforts.

Sec. 6. Superseded provision.

Sec. 7. Sense of Congress regarding interoperable communications.

Sec. 8. Sense of Congress regarding Citizen Corps councils.

Sec. 9. Study regarding nationwide emergency notification system.

Sec. 10. Authorization of appropriations.

1 **SEC. 2. FINDINGS.**

2 *The Congress finds the following:*

3 (1) *In order to achieve its objective of mini-*
4 *mizing the damage, and assisting in the recovery,*
5 *from terrorist attacks, the Department of Homeland*
6 *Security must play a leading role in assisting com-*
7 *munities to reach the level of preparedness they need*
8 *to respond to a terrorist attack.*

9 (2) *First responder funding is not reaching the*
10 *men and women of our Nation's first response teams*
11 *quickly enough, and sometimes not at all.*

12 (3) *To reform the current bureaucratic process so*
13 *that homeland security dollars reach the first respond-*
14 *ers who need it most, it is necessary to clarify and*
15 *consolidate the authority and procedures of the De-*
16 *partment of Homeland Security to support first re-*
17 *sponders.*

18 (4) *Ensuring adequate resources for the new na-*
19 *tional mission of homeland security requires a dis-*
20 *crete and separate grant making process for homeland*
21 *security funds for first response to terrorist acts, on*
22 *the one hand, and for first responder programs de-*
23 *signed to meet pre-9/11 priorities, on the other.*

24 (5) *Homeland security grants to first responders*
25 *must be based on the best intelligence concerning the*
26 *capabilities and intentions of our terrorist enemies,*

1 *and that intelligence must be used to target resources*
2 *to the Nation's greatest risks, vulnerabilities, and con-*
3 *sequences.*

4 *(6) The Nation's first response capabilities will*
5 *be improved by sharing resources, training, planning,*
6 *personnel, and equipment among neighboring juris-*
7 *dictions through mutual aid agreements and regional*
8 *cooperation. Such regional cooperation should be sup-*
9 *ported, where appropriate, through direct grants from*
10 *the Department of Homeland Security.*

11 *(7) An essential prerequisite to achieving the Na-*
12 *tion's homeland security objectives for first responders*
13 *is the establishment of well-defined national goals for*
14 *terrorism preparedness. These goals should delineate*
15 *the essential capabilities that every jurisdiction in the*
16 *United States should possess or to which it should*
17 *have access.*

18 *(8) A national determination of essential capa-*
19 *bilities is needed to identify levels of State and local*
20 *government terrorism preparedness, to determine the*
21 *nature and extent of State and local first responder*
22 *needs, to identify the human and financial resources*
23 *required to fulfill them, and to direct funding to meet*
24 *those needs and to measure preparedness levels on a*
25 *national scale.*

1 (9) *To facilitate progress in attaining essential*
2 *capabilities for State and local first responders, the*
3 *Department of Homeland Security should seek to allo-*
4 *cate homeland security funding for first responders to*
5 *meet nationwide needs.*

6 (10) *Private sector resources and citizen volun-*
7 *teers can perform critical functions in assisting in*
8 *preventing and responding to terrorist attacks, and*
9 *should be integrated into State and local planning ef-*
10 *forts to ensure that their capabilities and roles are*
11 *understood, so as to provide enhanced State and local*
12 *operational capability and surge capacity.*

13 (11) *Public-private partnerships, such as the*
14 *partnerships between the Business Executives for Na-*
15 *tional Security and the States of New Jersey and*
16 *Georgia, can be useful to identify and coordinate pri-*
17 *vate sector support for State and local first respond-*
18 *ers. Such models should be expanded to cover all*
19 *States and territories.*

20 (12) *An important component of national stand-*
21 *ards is measurability, so that it is possible to deter-*
22 *mine how prepared a State or local government is*
23 *now, and what additional steps it needs to take, in*
24 *order to respond to acts of terrorism.*

1 (13) *The Department of Homeland Security*
 2 *should establish, publish, and regularly update na-*
 3 *tional voluntary consensus standards for both equip-*
 4 *ment and training, in cooperation with both public*
 5 *and private sector standard setting organizations, to*
 6 *assist State and local governments in obtaining the*
 7 *equipment and training to attain the essential capa-*
 8 *bilities for first response to acts of terrorism, and to*
 9 *ensure that first responder funds are spent wisely.*

10 **SEC. 3. FASTER AND SMARTER FUNDING FOR FIRST RE-**
 11 **SPONDERS.**

12 (a) *IN GENERAL.*—*The Homeland Security Act of*
 13 *2002 (Public Law 107–296; 6 U.S.C. 361 et seq.) is amend-*
 14 *ed—*

15 (1) *in section 1(b) in the table of contents by*
 16 *adding at the end the following:*

“TITLE XVIII—FUNDING FOR FIRST RESPONDERS

“1801. *Faster and smarter funding for first responders.*

“1802. *Essential capabilities for first responders.*

“1803. *Task Force on Essential Capabilities for First Responders.*

“1804. *Covered grant eligibility and criteria.*

“1805. *Use of funds and accountability requirements.*

“1806. *National standards for first responder equipment and training.*

“1807. *Definitions.*”; and

17 (2) *by adding at the end the following:*

1 **“TITLE XVIII—FUNDING FOR**
 2 **FIRST RESPONDERS**

3 **“SEC. 1801. FASTER AND SMARTER FUNDING FOR FIRST RE-**
 4 **SPONDERS.**

5 “(a) *COVERED GRANTS.*—This title applies to any
 6 grant provided by the Department to States or regions to
 7 improve the ability of first responders to prevent, prepare
 8 for, respond to, or mitigate threatened or actual terrorist
 9 attacks, especially those involving weapons of mass destruc-
 10 tion, and including any grant under the following:

11 “(1) *STATE HOMELAND SECURITY GRANT PRO-*
 12 *GRAM.*—The State Homeland Security Grant Pro-
 13 gram of the Department, or any successor to such
 14 grant program.

15 “(2) *URBAN AREA SECURITY INITIATIVE.*—The
 16 Urban Area Security Initiative of the Department, or
 17 any successor to such grant program.

18 “(b) *EXCLUDED PROGRAMS.*—This title does not apply
 19 to or otherwise affect the following Federal grant programs
 20 or any grant under such a program:

21 “(1) *NONDEPARTMENT PROGRAMS.*—Any Federal
 22 grant program that is not administered by the De-
 23 partment.

24 “(2) *FIRE GRANT PROGRAMS.*—The fire grant
 25 programs authorized by sections 33 and 34 of the

1 *Federal Fire Prevention and Control Act of 1974 (15*
 2 *U.S.C. 2229, 2229a).*

3 “(3) *EMERGENCY MANAGEMENT PLANNING AND*
 4 *ASSISTANCE ACCOUNT GRANTS.—The Emergency*
 5 *Management Performance Grant program and the*
 6 *Urban Search and Rescue Grants program authorized*
 7 *by title VI of the Robert T. Stafford Disaster Relief*
 8 *and Emergency Assistance Act (42 U.S.C. 5195 et*
 9 *seq.); the Departments of Veterans Affairs and Hous-*
 10 *ing and Urban Development, and Independent Agen-*
 11 *cies Appropriations Act, 2000 (113 Stat. 1047 et*
 12 *seq.); and the Earthquake Hazards Reduction Act of*
 13 *1977 (42 U.S.C. 7701 et seq.).*

14 **“SEC. 1802. ESSENTIAL CAPABILITIES FOR FIRST RESPOND-**
 15 **ERS.**

16 “(a) *ESTABLISHMENT OF ESSENTIAL CAPABILITIES.—*

17 “(1) *IN GENERAL.—The Secretary shall establish*
 18 *clearly defined essential capabilities for State and*
 19 *local government preparedness for terrorism, in con-*
 20 *sultation with—*

21 “(A) *the Task Force on Essential Capabili-*
 22 *ties for First Responders established under sec-*
 23 *tion 1803;*

24 “(B) *the Under Secretaries for Emergency*
 25 *Preparedness and Response, Border and Trans-*

1 *portation Security, Information Analysis and*
2 *Infrastructure Protection, and Science and Tech-*
3 *nology, and the Director of the Office for Domes-*
4 *tic Preparedness;*

5 *“(C) other appropriate Federal agencies;*

6 *“(D) State and local first responder agen-*
7 *cies and officials; and*

8 *“(E) groups responsible for setting stand-*
9 *ards relevant to the first responder community.*

10 *“(2) DEADLINES.—The Secretary shall—*

11 *“(A) establish essential capabilities under*
12 *paragraph (1) within 30 days after receipt of the*
13 *initial submission of a final report under section*
14 *1803(c)(2); and*

15 *“(B) regularly update such essential capa-*
16 *bilities as necessary, but not less than every 3*
17 *years.*

18 *“(3) PROVISION OF ESSENTIAL CAPABILITIES.—*

19 *The Secretary shall ensure that essential capabilities*
20 *established under paragraph (1) are provided prompt-*
21 *ly to the States and to the Congress. The States shall*
22 *make the essential capabilities available as necessary*
23 *and appropriate to local governments within their ju-*
24 *risdictions.*

1 “(b) *OBJECTIVES.*—*The Secretary shall ensure that es-*
2 *sential capabilities established under subsection (a)(1) meet*
3 *the following objectives:*

4 “(1) *SPECIFICITY.*—*The determination of essen-*
5 *tial capabilities specifically shall describe the train-*
6 *ing, planning, personnel, and equipment that dif-*
7 *ferent types of communities in the Nation should pos-*
8 *sess, or to which they should have access, in order to*
9 *meet the Department’s goals for terrorism prepared-*
10 *ness based upon—*

11 “(A) *the most current risk assessment avail-*
12 *able by the Directorate for Information Analysis*
13 *and Infrastructure Protection of the threats of*
14 *terrorism against the United States; and*

15 “(B) *the types of threats, vulnerabilities, ge-*
16 *ography, size, and other factors that the Sec-*
17 *retary has determined to be applicable to each*
18 *different type of community.*

19 “(2) *FLEXIBILITY.*—*The establishment of essen-*
20 *tial capabilities shall be sufficiently flexible to allow*
21 *State and local government officials to set priorities*
22 *based on particular needs, while reaching nationally*
23 *determined terrorism preparedness levels within a*
24 *specified time period.*

1 “(3) *MEASURABILITY.*—*The establishment of es-*
2 *sential capabilities shall be designed to enable meas-*
3 *urement of progress towards specific terrorism pre-*
4 *paredness goals.*

5 “(c) *THREATS TO BE CONSIDERED.*—

6 “(1) *IN GENERAL.*—*In establishing essential ca-*
7 *pabilities under subsection (a)(1), the Secretary spe-*
8 *cifically shall consider the variables of threat, vulner-*
9 *ability, and consequences with respect to the Nation’s*
10 *population (including transient commuting and tour-*
11 *ist populations) and critical infrastructure. Such con-*
12 *sideration shall be based upon the most current risk*
13 *assessment available by the Directorate for Informa-*
14 *tion Analysis and Infrastructure Protection of the*
15 *threats of terrorism against the United States.*

16 “(2) *CRITICAL INFRASTRUCTURE SECTORS.*—*The*
17 *Secretary specifically shall consider threats of ter-*
18 *rorism against the following critical infrastructure*
19 *sectors in all areas of the Nation, urban and rural:*

20 “(A) *Agriculture.*

21 “(B) *Banking and finance.*

22 “(C) *Chemical industries.*

23 “(D) *The defense industrial base.*

24 “(E) *Emergency services.*

25 “(F) *Energy.*

1 “(G) Food.

2 “(H) Government.

3 “(I) Postal and shipping.

4 “(J) Public health.

5 “(K) Information and telecommunications
6 networks.

7 “(L) Transportation.

8 “(M) Water.

9 *The order in which the critical infrastructure sectors*
10 *are listed in this paragraph shall not be construed as*
11 *an order of priority for consideration of the impor-*
12 *tance of such sectors.*

13 “(3) CONSIDERATION OF ADDITIONAL
14 THREATS.—*In establishing essential capabilities*
15 *under subsection (a)(1), the Secretary shall take into*
16 *account any other specific threat to a population (in-*
17 *cluding a transient commuting or tourist population)*
18 *or critical infrastructure sector that the Secretary has*
19 *determined to exist.*

20 **“SEC. 1803. TASK FORCE ON ESSENTIAL CAPABILITIES FOR**
21 **FIRST RESPONDERS.**

22 “(a) ESTABLISHMENT.—*To assist the Secretary in es-*
23 *tablishing essential capabilities under section 1802(a)(1),*
24 *the Secretary shall establish an advisory body to be known*
25 *as the Task Force on Essential Capabilities for First Re-*

1 sponders not later than 60 days after the date of the enact-
2 ment of this section.

3 “(b) *DRAFT REPORT.*—

4 “(1) *IN GENERAL.*—The Task Force shall submit
5 to the Secretary, not later than one year after its es-
6 tablishment by the Secretary under subsection (a) and
7 every 3 years thereafter, a draft report on its rec-
8 ommendations for the essential capabilities all State
9 and local government first responders should possess,
10 or to which they should have access, to enhance ter-
11 rorism preparedness, including—

12 “(A) to prevent a terrorist attack;

13 “(B) to protect persons and critical infra-
14 structure against attack; and

15 “(C) to enhance terrorism response and
16 mitigation capabilities if such an attack occurs.

17 “(2) *THREATS TO BE CONSIDERED IN DETER-*
18 *MINING ESSENTIAL CAPABILITIES.*—

19 “(A) *IN GENERAL.*—In reporting to the Sec-
20 retary on its recommendations for essential ca-
21 pabilities, the Task Force specifically shall con-
22 sider the critical infrastructure sectors described
23 in section 1802(c)(2), and the threats to popu-
24 lations in all areas of the Nation, urban and
25 rural, including the following:

1 “(i) *Biological threats.*

2 “(ii) *Nuclear threats.*

3 “(iii) *Radiological threats.*

4 “(iv) *Incendiary threats.*

5 “(v) *Chemical threats.*

6 “(vi) *Explosives.*

7 “(vii) *Suicide bombers.*

8 “(viii) *Cyber threats.*

9 “(ix) *Any other threats based on prox-*
10 *imity to specific past acts of terrorism or*
11 *the known activity of any terrorist group.*

12 “(B) *NO PRIORITY.—The order in which the*
13 *threats are listed in subparagraph (A) shall not*
14 *be construed as an order of priority for consider-*
15 *ation of the importance of such threats.*

16 “(3) *RISK-BASED.—The draft report shall be*
17 *based upon the most current risk assessment available*
18 *by the Directorate for Information Analysis and In-*
19 *frastructure Protection of the threats of terrorism*
20 *against the United States provided to the Task Force*
21 *pursuant to subsection (d).*

22 “(4) *CONTENTS.—The draft report shall—*

23 “(A) *include a priority ranking of essential*
24 *capabilities, in order to provide guidance to the*
25 *Secretary and to the Congress on determining*

1 *the appropriate allocation of, and funding levels*
2 *for, first responder needs;*

3 “(B) *set forth a methodology by which any*
4 *State or local government will be able to deter-*
5 *mine the extent to which it possesses or has ac-*
6 *cess to the essential capabilities that States and*
7 *local governments having similar risks should*
8 *obtain;*

9 “(C) *describe the availability of national*
10 *voluntary consensus standards, and whether*
11 *there is a need for new national voluntary con-*
12 *sensus standards, with respect to first responder*
13 *training and equipment;*

14 “(D) *include such additional matters as the*
15 *Secretary may specify in order to further the ter-*
16 *rorism preparedness capabilities of first respond-*
17 *ers; and*

18 “(E) *include such revisions to the contents*
19 *of past reports as are necessary to take into ac-*
20 *count changes in the most current risk assess-*
21 *ment available by the Directorate for Informa-*
22 *tion Analysis and Infrastructure Protection or*
23 *other relevant information as determined by the*
24 *Secretary.*

25 “(c) *REVIEW AND REVISION OF DRAFT REPORT.—*

1 “(1) *REVIEW AND COMMENTS.*—*Within 30 days*
 2 *after the date of the submission of the draft report by*
 3 *the Task Force under subsection (b), the Secretary*
 4 *shall review and provide comments to the Task Force*
 5 *on the contents of the draft report.*

6 “(2) *REVISION AND SUBMISSION OF FINAL RE-*
 7 *PORT.*—*Within 30 days after receiving the Secretary’s*
 8 *comments, the Task Force shall—*

9 “(A) *revise its draft report based on the*
 10 *comments provided by the Secretary, and any*
 11 *other comments it has solicited and received, if*
 12 *the Task Force determines that such revisions are*
 13 *appropriate; and*

14 “(B) *submit the final report on essential ca-*
 15 *pabilities to the Secretary and to the Congress.*

16 “(d) *TASK FORCE ACCESS TO INFORMATION.*—

17 “(1) *SECURITY CLEARANCES.*—*For purposes of*
 18 *carrying out its responsibilities under this section, the*
 19 *Task Force shall be provided as a matter of priority*
 20 *appropriate security clearances, including interim se-*
 21 *curity clearances.*

22 “(2) *ACCESS TO FINISHED INTELLIGENCE.*—*For*
 23 *purposes of carrying out its responsibilities under this*
 24 *section, the Task Force shall be provided access to all*
 25 *finished intelligence and analytic products it may re-*

1 *quest from the Directorate for Information Analysis*
2 *and Infrastructure Protection or other sources within*
3 *the Department concerning the nature and likelihood*
4 *of terrorist attacks on the territory of the United*
5 *States.*

6 “(3) *ACCESS TO ASSESSMENT TOOLS.—For pur-*
7 *poses of carrying out its responsibilities under this*
8 *section, the Task Force shall be provided access to all*
9 *tools or methodologies currently or formerly used by*
10 *the Department and its predecessor organizations to*
11 *assess the preparedness capabilities of State and local*
12 *governments.*

13 “(4) *VALID CLEARANCES.—Nothing in this sec-*
14 *tion shall be considered to authorize a member of the*
15 *Task Force to have access to classified information*
16 *unless that member possesses a valid clearance to re-*
17 *ceive such information.*

18 “(e) *MEMBERSHIP.—*

19 “(1) *IN GENERAL.—The Task Force shall consist*
20 *of 25 members appointed by the Secretary, and*
21 *shall—*

22 “(A) *represent a cross section of first re-*
23 *sponder disciplines; and*

24 “(B) *include both State and local represent-*
25 *atives within each discipline.*

1 “(2) *TERM OF MEMBERS.*—*Each appointed*
2 *member of the Task Force shall serve for a term not*
3 *to exceed 18 months. No individual may be appointed*
4 *as a member of the Task Force for more than 2 terms.*

5 “(3) *SELECTION OF MEMBERS.*—*The Secretary*
6 *shall include in the membership of the Task Force—*

7 “(A) *members selected from the emergency*
8 *response field, including firefighters and law en-*
9 *forcement, hazardous materials response, emer-*
10 *gency medical services, and emergency manage-*
11 *ment personnel (including public works per-*
12 *sonnel routinely engaged in emergency response);*

13 “(B) *health scientists, emergency and inpa-*
14 *tient medical providers, and public health profes-*
15 *sionals, including experts in emergency health*
16 *care response to chemical, biological, radio-*
17 *logical, and nuclear terrorism, and experts in*
18 *providing mental health care during emergency*
19 *response operations;*

20 “(C) *experts from Federal, State, and local*
21 *governments, and the private sector, representing*
22 *standards-setting organizations, including rep-*
23 *resentation from the voluntary consensus codes*
24 *and standards development community, particu-*
25 *larly those with expertise in firefighting, law en-*

1 *forcement, and emergency medical services deliv-*
2 *ery; and*

3 *“(D) State and local officials with expertise*
4 *in terrorism preparedness, subject to the condi-*
5 *tion that if any such officials are elected offi-*
6 *cials, an equal number shall be selected from*
7 *each of the two major political parties.*

8 *“(4) EX OFFICIO MEMBERS.—The Secretary shall*
9 *designate one or more officers of the Department to*
10 *serve as ex officio members of the Task Force, one of*
11 *whom shall be the designated officer of the Federal*
12 *Government for purposes of subsection (e) of section*
13 *10 of the Federal Advisory Committee Act.*

14 *“(5) DIVERSITY IN COMPOSITION OF TASK*
15 *FORCE.—In appointing members to the Task Force,*
16 *the Secretary shall ensure, to the extent practicable,*
17 *that its membership—*

18 *“(A) is geographically diverse;*

19 *“(B) includes representatives from both*
20 *rural and urban jurisdictions;*

21 *“(C) includes representatives from both*
22 *management and labor;*

23 *“(D) includes representatives from both uni-*
24 *formed and nonuniformed professions;*

1 “(E) includes representatives from both vol-
2 untary and professional services;

3 “(F) includes representatives from both gov-
4 ernment and nongovernment emergency medical
5 services; and

6 “(G) includes sufficient personnel with secu-
7 rity clearances necessary to review classified ma-
8 terials that may be needed to conduct the busi-
9 ness of the Task Force.

10 “(6) CHAIR.—At the first meeting of the Task
11 Force, the membership of the Task Force appointed
12 under paragraph (3) shall elect a chair of the Task
13 Force.

14 “(f) MEETINGS.—The Task Force shall meet as often
15 as necessary to complete reports in accordance with this sec-
16 tion.

17 “(g) PAY.—

18 “(1) IN GENERAL.—Members of the Task Force
19 shall serve without pay by reason of their work on the
20 Task Force.

21 “(2) FEDERAL OFFICERS AND EMPLOYEES.—
22 Members of the Task Force who are officers or em-
23 ployees of the United States shall receive no addi-
24 tional pay by reason of their service as a member of
25 the Task Force.

1 “(h) *TRAVEL EXPENSES.*—*Members of the Task Force*
2 *shall be allowed travel expenses, including per diem in lieu*
3 *of subsistence, at rates authorized for employees of agencies*
4 *under subchapter I of chapter 57 of title 5, United States*
5 *Code, while away from their homes or regular places of*
6 *business in the performance of services for the Task Force.*

7 “(i) *SERVICES, FUNDS, AND STAFF.*—*The Secretary*
8 *shall provide to the Task Force, on a non-reimbursable*
9 *basis, such administrative services, funds, staff, facilities,*
10 *and other support services as the Secretary determines nec-*
11 *essary, in consultation with the chair of the Task Force,*
12 *for the Task Force to perform its duties efficiently and in*
13 *accordance with this section.*

14 “(j) *DETAILS.*—*Upon the request of the Task Force,*
15 *the Secretary may detail, without reimbursement, any per-*
16 *sonnel of the Department to assist the Task Force in car-*
17 *rying out its duties. Any such detail of an employee shall*
18 *be without interruption or loss of civil service status or*
19 *privilege.*

20 “(k) *APPLICABILITY OF FEDERAL ADVISORY COM-*
21 *MITTEE ACT.*—*The Federal Advisory Committee Act (5*
22 *U.S.C. App.), including subsections (a), (b), and (d) of sec-*
23 *tion 10 of such Act, and section 552b(c) of title 5, United*
24 *States Code, shall apply to the Task Force.*

1 **“SEC. 1804. COVERED GRANT ELIGIBILITY AND CRITERIA.**

2 “(a) *GRANT ELIGIBILITY.*—Any State or region shall
3 *be eligible to apply for a covered grant.*

4 “(b) *GRANT CRITERIA.*—In awarding covered grants,
5 *the Secretary shall assist States and local governments in*
6 *achieving the essential capabilities for first responders es-*
7 *tablished by the Secretary under section 1802.*

8 “(c) *STATE HOMELAND SECURITY PLANS.*—

9 “(1) *SUBMISSION OF PLANS.*—The Secretary
10 *shall require that any State applying to the Secretary*
11 *for a covered grant must submit to the Secretary a*
12 *3-year State homeland security plan that—*

13 “(A) *demonstrates the extent to which the*
14 *State has achieved the essential capabilities that*
15 *apply to the State, and describes the extent to*
16 *which the State used the methodology developed*
17 *pursuant to section 1803(b)(4)(B) to evaluate the*
18 *level of its essential capabilities;*

19 “(B) *demonstrates the additional needs of*
20 *the State necessary to achieve the essential capa-*
21 *bilities that apply to the State;*

22 “(C) *includes a prioritization of such addi-*
23 *tional needs based on threat, vulnerability, and*
24 *consequence assessment factors applicable to the*
25 *State;*

26 “(D) *describes how the State intends—*

1 “(i) to address such additional needs
2 at the city, county, regional, State, and
3 interstate level;

4 “(ii) to use all Federal, State, and
5 local resources available for the purpose of
6 addressing such additional needs; and

7 “(iii) to give particular emphasis to
8 regional planning and cooperation, both
9 within its jurisdictional borders and with
10 neighboring States; and

11 “(E) is developed in consultation with and
12 subject to appropriate comment by local govern-
13 ments within the State.

14 “(2) APPROVAL BY SECRETARY.—The Secretary
15 may not award any covered grant to a State unless
16 the Secretary has approved the applicable State home-
17 land security plan.

18 “(d) CONSISTENCY WITH STATE PLANS.—The Sec-
19 retary shall ensure that each covered grant is used to sup-
20 plement and support, in a consistent and coordinated man-
21 ner, the applicable State homeland security plan or plans.

22 “(e) APPLICATION FOR GRANT.—

23 “(1) IN GENERAL.—Any State or region may
24 apply for a covered grant by submitting to the Sec-
25 retary an application at such time, in such manner,

1 *and containing such information as is required under*
2 *this subsection, or as the Secretary may reasonably*
3 *require.*

4 “(2) *DEADLINES FOR APPLICATIONS AND*
5 *AWARDS.—All applications for covered grants must be*
6 *submitted to the Secretary no later than February 15*
7 *of the fiscal year for which they are submitted. The*
8 *Secretary shall award covered grants pursuant to all*
9 *approved applications for such fiscal year as soon as*
10 *practicable, but not later than July 31 of such year.*

11 “(3) *AVAILABILITY OF FUNDS.—All funds award-*
12 *ed by the Secretary under covered grants in a fiscal*
13 *year shall be available for obligation through the end*
14 *of the subsequent fiscal year.*

15 “(4) *MINIMUM CONTENTS OF APPLICATION.—The*
16 *Secretary shall require that each applicant include in*
17 *its application, at a minimum—*

18 “(A) *the purpose for which the applicant*
19 *seeks covered grant funds and the reasons why*
20 *the applicant needs the covered grant to meet the*
21 *essential capabilities for terrorism preparedness*
22 *within the State or region to which the applica-*
23 *tion pertains;*

24 “(B) *a description of how, by reference to*
25 *the applicable State homeland security plan or*

1 *plans under subsection (c), the allocation of*
2 *grant funding proposed in the application, in-*
3 *cluding, where applicable, the amount not passed*
4 *through under section 1805(e)(1), would assist in*
5 *fulfilling the essential capabilities specified in*
6 *such plan or plans;*

7 *“(C) a statement of whether a mutual aid*
8 *agreement applies to the use of all or any por-*
9 *tion of the covered grant funds;*

10 *“(D) if the applicant is a region—*

11 *“(i) a precise geographical description*
12 *of the region and a specification of all par-*
13 *ticipating and nonparticipating local gov-*
14 *ernments within the geographical area com-*
15 *prising that region;*

16 *“(ii) a specification of what govern-*
17 *mental entity within the region will admin-*
18 *ister the expenditure of funds under the cov-*
19 *ered grant; and*

20 *“(iii) a designation of a specific indi-*
21 *vidual to serve as regional liaison;*

22 *“(E) a capital budget showing how the ap-*
23 *plicant intends to allocate and expend the cov-*
24 *ered grant funds; and*

1 “(F) a statement of how the applicant in-
2 tends to meet the matching requirement, if any,
3 that applies under section 1805(e)(2).

4 “(5) REGIONAL APPLICATIONS.—

5 “(A) SUBMISSION TO STATE OR STATES.—
6 To ensure the consistency required under sub-
7 section (d), an applicant that is a region must
8 simultaneously submit its application to the De-
9 partment and to each State of which any part
10 is included in the region.

11 “(B) OPPORTUNITY FOR STATE COMMENT.—
12 Before awarding any covered grant to a region,
13 the Secretary shall provide an opportunity to
14 each State of which any part is included in a re-
15 gion, during the 30-day period beginning on the
16 date on which the region submits an application
17 for a covered grant, to comment to the Secretary
18 on the consistency of the region’s plan with the
19 State’s homeland security plan.

20 “(C) FINAL AUTHORITY.—The Secretary
21 shall have final authority to determine the con-
22 sistency of any regional application with the ap-
23 plicable State homeland security plan or plans
24 and approve any regional application. The Sec-
25 retary shall notify each State of which any part

1 is included in a region of the approval of a re-
2 gional application for that region.

3 “(D) *REGIONAL LIAISONS*.—A regional liai-
4 son designated under paragraph (4)(D)(iii)
5 shall—

6 “(i) coordinate with Federal, State,
7 local, regional, and private officials within
8 the region concerning terrorism prepared-
9 ness;

10 “(ii) develop a process for receiving
11 input from Federal, State, local, regional,
12 and private sector officials within the re-
13 gion to assist in the development of the re-
14 gional application and to improve the re-
15 gion’s access to covered grants; and

16 “(iii) administer, in consultation with
17 State, local, regional, and private officials
18 within the region, covered grants awarded
19 to the region.

20 “(6) *EQUIPMENT STANDARDS*.—If an applicant
21 for a covered grant proposes to upgrade or purchase,
22 with assistance provided under the grant, new equip-
23 ment or systems that do not meet or exceed any appli-
24 cable national voluntary consensus standards estab-
25 lished by the Secretary under section 1806(a), the ap-

6 “(1) *ESTABLISHMENT OF BOARD.—The Sec-*
7 *retary shall establish a First Responder Grants*
8 *Board, consisting of—*

10 “(B) the Under Secretary for Emergency
11 Preparedness and Response;

14 “(D) the Under Secretary for Information
15 Analysis and Infrastructure Protection;

18 “(F) the Director of the Office for Domestic
19 Preparedness.

21 “(A) IN GENERAL.—The Secretary shall be
22 the Chairman of the Board.

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1 *Homeland Security may exercise the authorities*
2 *of the Chairman, if the Secretary so directs.*

3 “(3) *RANKING OF GRANT APPLICATIONS.—*

4 “(A) *PRIORITIZATION OF GRANTS.—The*
5 *Board shall evaluate and annually prioritize all*
6 *pending applications for covered grants based*
7 *upon the degree to which they would lessen the*
8 *threat to, vulnerability of, and consequences for*
9 *persons and critical infrastructure.*

10 “(B) *ACHIEVING NATIONWIDE CAPA-*
11 *BILITY.—In evaluating and prioritizing grant*
12 *applications under subparagraph (A), the Board*
13 *shall—*

14 “(i) *seek to achieve and enhance essen-*
15 *tial capabilities throughout the Nation; and*

16 “(ii) *seek to allocate a portion of the*
17 *funds available for covered grants each fis-*
18 *cal year for the purpose of making covered*
19 *grants to each approved applicant that the*
20 *Board determines has demonstrated a valid*
21 *need in its application.*

22 “(4) *FUNCTIONS OF UNDER SECRETARIES.—The*
23 *Under Secretaries referred to in paragraph (1) shall*
24 *seek to ensure that the relevant expertise and input of*

1 *the staff of their directorates are available to and con-*
 2 *sidered by the Board.*

3 **“SEC. 1805. USE OF FUNDS AND ACCOUNTABILITY REQUIRE-**
 4 **MENTS.**

5 *“(a) IN GENERAL.—A covered grant may be used for—*

6 *“(1) purchasing or upgrading equipment, in-*
 7 *cluding computer software, to enhance terrorism pre-*
 8 *paredness and response;*

9 *“(2) exercises to strengthen terrorism prepared-*
 10 *ness and response;*

11 *“(3) training for prevention (including detec-*
 12 *tion) of, preparedness for, or response to attacks in-*
 13 *volving weapons of mass destruction, including train-*
 14 *ing in the use of equipment and computer software;*

15 *“(4) developing or updating response plans;*

16 *“(5) establishing or enhancing mechanisms for*
 17 *sharing terrorism threat information pursuant to this*
 18 *Act;*

19 *“(6) systems architecture and engineering, pro-*
 20 *gram planning and management, strategy formula-*
 21 *tion and strategic planning, life-cycle systems design,*
 22 *product and technology evaluation, and prototype de-*
 23 *velopment for terrorism preparedness and response*
 24 *purposes;*

25 *“(7) additional personnel costs resulting from—*

1 “(A) elevations in the threat alert level of
2 the Homeland Security Advisory System;

3 “(B) travel to and participation in exercises
4 and training in the use of equipment and on
5 prevention activities; and

6 “(C) the temporary replacement of per-
7 sonnel during any period of travel to and par-
8 ticipation in exercises and training in the use of
9 equipment and on prevention activities;

10 “(8) the costs of equipment (including software)
11 required to receive, transmit, handle, and store classi-
12 fied information;

13 “(9) enhancing facilities to serve as operations
14 centers, or hardening critical infrastructure against
15 potential attack by the addition of barriers, fences,
16 gates, and other such devices;

17 “(10) the costs of commercially available equip-
18 ment that complies with, where applicable, national
19 voluntary consensus standards, and that facilitates
20 interoperability, coordination, and integration be-
21 tween emergency communications systems, includ-
22 ing—

23 “(A) mobile vehicles that contain equipment
24 such as commercial telephone trunk lines, VHF

1 *and UHF radios, patch panels, and crosspatches,*
2 *among other technologies and equipment; and*

3 “(B) *communications system overlay soft-*
4 *ware and hardware that allow multiple dis-*
5 *parate communications networks to act as one*
6 *network;*

7 “(11) *educational curricula development for first*
8 *responders to ensure that they are prepared for ter-*
9 *rorist attacks;*

10 “(12) *training and exercises to assist public ele-*
11 *mentary and secondary schools in developing and im-*
12 *plementing programs to instruct students regarding*
13 *age-appropriate skills to prepare for and respond to*
14 *an act of terrorism; and*

15 “(13) *other appropriate activities as determined*
16 *by the Secretary.*

17 “(b) *PROHIBITED USES.—Funds provided as a cov-*
18 *ered grant may not be used—*

19 “(1) *to supplant State or local funds for, or oth-*
20 *erwise support, traditional missions of State and*
21 *local law enforcement, firefighters, emergency medical*
22 *services, or public health agencies, unless such support*
23 *serves a dual purpose and the funds are primarily in-*
24 *tended to enhance terrorism preparedness;*

1 “(2) to construct buildings or other physical fa-
2 cilities;

3 “(3) to acquire land; or

4 “(4) for any State or local government cost shar-
5 ing contribution.

6 “(c) *ASSISTANCE REQUIREMENT.*—The Secretary may
7 not request that equipment paid for, wholly or in part, with
8 funds provided as a covered grant be made available for
9 responding to emergencies in surrounding States, regions,
10 and localities, unless the Secretary undertakes to pay the
11 costs directly attributable to transporting and operating
12 such equipment during such response.

13 “(d) *FLEXIBILITY IN UNSPENT HOMELAND SECURITY*
14 *GRANT FUNDS.*—Upon request by the recipient of a covered
15 grant, the Secretary may authorize the grantee to transfer
16 all or part of funds provided as the covered grant from uses
17 specified in the grant agreement to other uses authorized
18 under this section, if the Secretary determines that such
19 transfer is in the interests of homeland security.

20 “(e) *STATE AND REGIONAL RESPONSIBILITIES.*—

21 “(1) *PASS-THROUGH.*—The Secretary shall re-
22 quire a recipient of a covered grant that is a State
23 to obligate or otherwise make available to local gov-
24 ernments, first responders, and other local groups, to
25 the extent required under the State homeland security

1 *plan or plans specified in the application for the*
2 *grant, not less than 80 percent of the grant funds, re-*
3 *sources purchased with the grant funds having a*
4 *value equal to at least 80 percent of the amount of*
5 *the grant, or a combination thereof, by not later than*
6 *the end of the 45-day period beginning on the date the*
7 *grant recipient receives the grant funds.*

8 “(2) *COST SHARING.*—

9 “(A) *IN GENERAL.*—*The Federal share of*
10 *the costs of an activity carried out with a cov-*
11 *ered grant to a State or region awarded after the*
12 *2-year period beginning on the date of the enact-*
13 *ment of this section shall not exceed 75 percent.*

14 “(B) *INTERIM RULE.*—*The Federal share of*
15 *the costs of an activity carried out with a cov-*
16 *ered grant awarded before the end of the 2-year*
17 *period beginning on the date of the enactment of*
18 *this section shall be 100 percent.*

19 “(C) *IN-KIND MATCHING.*—*Each recipient of*
20 *a covered grant may meet the matching require-*
21 *ment under subparagraph (A) by making in-*
22 *kind contributions of goods or services that are*
23 *directly linked with the purpose for which the*
24 *grant is made, including, but not limited to, any*
25 *necessary personnel overtime, contractor services,*

1 *administrative costs, equipment fuel and mainte-*
2 *nance, and rental space.*

3 “(3) *CERTIFICATIONS REGARDING DISTRIBUTION*
4 *OF GRANT FUNDS TO LOCAL GOVERNMENTS.—Any*
5 *State that receives a covered grant shall certify to the*
6 *Secretary, by not later than 30 days after the expira-*
7 *tion of the period described in paragraph (1) with re-*
8 *spect to the grant, that the State has made available*
9 *for expenditure by local governments, first responders,*
10 *and other local groups the required amount of grant*
11 *funds pursuant to paragraph (1).*

12 “(4) *REPORT ON HOMELAND SECURITY SPEND-*
13 *ING.—Each recipient of a covered grant shall submit*
14 *a report to the Secretary not later than 60 days after*
15 *the end of each fiscal year. Each recipient of a cov-*
16 *ered grant that is a region must simultaneously sub-*
17 *mit its report to each State of which any part is in-*
18 *cluded in the region. Each report must include the*
19 *following:*

20 “(A) *The amount, ultimate recipients, and*
21 *dates of receipt of all funds received under the*
22 *grant during the previous fiscal year.*

23 “(B) *The amount and the dates of disburse-*
24 *ments of all such funds expended in compliance*
25 *with paragraph (1) or pursuant to mutual aid*

1 *agreements or other sharing arrangements that*
2 *apply within the State or region, as applicable,*
3 *during the previous fiscal year.*

4 *“(C) How the funds were utilized by each*
5 *ultimate recipient or beneficiary during the pre-*
6 *ceding fiscal year.*

7 *“(D) The extent to which essential capabili-*
8 *ties identified in the applicable State homeland*
9 *security plan or plans were achieved or enhanced*
10 *as the result of the expenditure of grant funds*
11 *during the preceding fiscal year.*

12 *“(E) The extent to which essential capabili-*
13 *ties identified in the applicable State homeland*
14 *security plan or plans remain unmet.*

15 *“(5) INCLUSION OF RESTRICTED ANNEXES.—A*
16 *recipient of a covered grant may submit to the Sec-*
17 *retary an annex to the report under paragraph (4)*
18 *that is subject to appropriate handling restrictions, if*
19 *the recipient believes that discussion in the report of*
20 *unmet needs would reveal sensitive but unclassified*
21 *information.*

22 *“(6) PROVISION OF REPORTS.—The Secretary*
23 *shall ensure that each report under paragraph (4) is*
24 *provided to the Under Secretary for Emergency Pre-*

1 *paredness and Response and the Director of the Office*
 2 *for Domestic Preparedness.*

3 “(f) *INCENTIVES TO EFFICIENT ADMINISTRATION OF*
 4 *HOMELAND SECURITY GRANTS.*—

5 “(1) *PENALTIES FOR DELAY IN PASSING*
 6 *THROUGH LOCAL SHARE.*—*If a recipient of a covered*
 7 *grant that is a State fails to pass through to local*
 8 *governments, first responders, and other local groups*
 9 *funds or resources required by subsection (e)(1) with-*
 10 *in 45 days after receiving funds under the grant, the*
 11 *Secretary may—*

12 “(A) *reduce grant payments to the grant re-*
 13 *cipient from the portion of grant funds that is*
 14 *not required to be passed through under sub-*
 15 *section (e)(1);*

16 “(B) *terminate payment of funds under the*
 17 *grant to the recipient, and transfer the appro-*
 18 *prate portion of those funds directly to local*
 19 *first responders that were intended to receive*
 20 *funding under that grant; or*

21 “(C) *impose additional restrictions or bur-*
 22 *dens on the recipient’s use of funds under the*
 23 *grant, which may include—*

1 “(i) prohibiting use of such funds to
2 pay the grant recipient’s grant-related over-
3 time or other expenses;

4 “(ii) requiring the grant recipient to
5 distribute to local government beneficiaries
6 all or a portion of grant funds that are not
7 required to be passed through under sub-
8 section (e)(1); or

9 “(iii) for each day that the grant re-
10 cipient fails to pass through funds or re-
11 sources in accordance with subsection (e)(1),
12 reducing grant payments to the grant re-
13 cipient from the portion of grant funds that
14 is not required to be passed through under
15 subsection (e)(1), except that the total
16 amount of such reduction may not exceed
17 20 percent of the total amount of the grant.

18 “(2) *EXTENSION OF PERIOD.*—The Governor of a
19 State may request in writing that the Secretary ex-
20 tend the 45-day period under paragraph (1) for an
21 additional 15-day period. The Secretary may approve
22 such a request, and may extend such period for addi-
23 tional 15-day periods, if the Secretary determines
24 that the resulting delay in providing grant funding to
25 the local government entities that will receive funding

1 *under the grant will not have a significant detri-*
 2 *mental impact on such entities' terrorism prepared-*
 3 *ness efforts.*

4 *“(3) PROVISION OF NON-LOCAL SHARE TO LOCAL*
 5 *GOVERNMENT.—*

6 *“(A) IN GENERAL.—The Secretary may*
 7 *upon request by a local government pay to the*
 8 *local government a portion of the amount of a*
 9 *covered grant awarded to a State in which the*
 10 *local government is located, if—*

11 *“(i) the local government will use the*
 12 *amount paid to expedite planned enhance-*
 13 *ments to its terrorism preparedness as de-*
 14 *scribed in any applicable State homeland*
 15 *security plan or plans;*

16 *“(ii) the State has failed to pass*
 17 *through funds or resources in accordance*
 18 *with subsection (e)(1); and*

19 *“(iii) the local government complies*
 20 *with subparagraphs (B) and (C).*

21 *“(B) SHOWING REQUIRED.—To receive a*
 22 *payment under this paragraph, a local govern-*
 23 *ment must demonstrate that—*

1 “(i) it is identified explicitly as an ul-
2 timate recipient or intended beneficiary in
3 the approved grant application;

4 “(ii) it was intended by the grantee to
5 receive a severable portion of the overall
6 grant for a specific purpose that is identi-
7 fied in the grant application;

8 “(iii) it petitioned the grantee for the
9 funds or resources after expiration of the pe-
10 riod within which the funds or resources
11 were required to be passed through under
12 subsection (e)(1); and

13 “(iv) it did not receive the portion of
14 the overall grant that was earmarked or
15 designated for its use or benefit.

16 “(C) *EFFECT OF PAYMENT.*—Payment of
17 grant funds to a local government under this
18 paragraph—

19 “(i) shall not affect any payment to
20 another local government under this para-
21 graph; and

22 “(ii) shall not prejudice consideration
23 of a request for payment under this para-
24 graph that is submitted by another local
25 government.

1 “(D) *DEADLINE FOR ACTION BY SEC-*
2 *RETARY.—The Secretary shall approve or dis-*
3 *approve each request for payment under this*
4 *paragraph by not later than 15 days after the*
5 *date the request is received by the Department.*

6 “(g) *REPORTS TO CONGRESS.—The Secretary shall*
7 *submit an annual report to the Congress by December 31*
8 *of each year—*

9 “(1) *describing in detail the amount of Federal*
10 *funds provided as covered grants that were directed to*
11 *each State and region in the preceding fiscal year;*

12 “(2) *containing information on the use of such*
13 *grant funds by grantees; and*

14 “(3) *describing, on a nationwide and State-by-*
15 *State basis—*

16 “(A) *the extent to which essential capabili-*
17 *ties identified in applicable State homeland secu-*
18 *rity plan or plans were created or enhanced as*
19 *the result of the expenditure of covered grant*
20 *funds during the preceding fiscal year;*

21 “(B) *the extent to which essential capabili-*
22 *ties identified in applicable State homeland secu-*
23 *rity plan or plans remain unmet; and*

24 “(C) *an estimate of the amount of Federal,*
25 *State, and local expenditures required to attain*

1 *across the United States the essential capabilities*
2 *established under section 1802(a).*

3 **“SEC. 1806. NATIONAL STANDARDS FOR FIRST RESPONDER**
4 **EQUIPMENT AND TRAINING.**

5 “(a) *EQUIPMENT STANDARDS.*—

6 “(1) *IN GENERAL.*—*The Secretary, in consulta-*
7 *tion with the Under Secretary for Science and Tech-*
8 *nology and the Director of the Office for Domestic*
9 *Preparedness, shall, not later than 6 months after the*
10 *date of enactment of this section, support the develop-*
11 *ment of, promulgate, and update as necessary na-*
12 *tional voluntary consensus standards for the perform-*
13 *ance, use, and validation of first responder equipment*
14 *for purposes of section 1804(e)(6). Such standards—*

15 “(A) *shall be, to the maximum extent prac-*
16 *ticable, consistent with any existing voluntary*
17 *consensus standards;*

18 “(B) *shall take into account, as appro-*
19 *priate, new types of terrorism threats that may*
20 *not have been contemplated when such existing*
21 *standards were developed; and*

22 “(C) *shall be focused on maximizing inter-*
23 *operability, interchangeability, durability, flexi-*
24 *bility, efficiency, efficacy, portability, sustain-*
25 *ability, and safety.*

1 “(2) *REQUIRED CATEGORIES.—In carrying out*
2 *paragraph (1), the Secretary shall specifically con-*
3 *sider the following categories of first responder equip-*
4 *ment:*

5 “(A) *Thermal imaging equipment.*

6 “(B) *Radiation detection and analysis*
7 *equipment.*

8 “(C) *Biological detection and analysis*
9 *equipment.*

10 “(D) *Chemical detection and analysis*
11 *equipment.*

12 “(E) *Decontamination and sterilization*
13 *equipment.*

14 “(F) *Personal protective equipment, includ-*
15 *ing garments, boots, gloves, and hoods and other*
16 *protective clothing.*

17 “(G) *Respiratory protection equipment.*

18 “(H) *Interoperable communications, includ-*
19 *ing wireless and wireline voice, video, and data*
20 *networks.*

21 “(I) *Explosive mitigation devices and explo-*
22 *sive detection and analysis equipment.*

23 “(J) *Containment vessels.*

24 “(K) *Contaminant-resistant vehicles.*

1 “(L) Such other equipment for which the
2 Secretary determines that national voluntary
3 consensus standards would be appropriate.

4 “(b) TRAINING STANDARDS.—

5 “(1) IN GENERAL.—The Secretary, in consulta-
6 tion with the Under Secretaries for Emergency Pre-
7 paredness and Response and Science and Technology
8 and the Director of the Office for Domestic Prepared-
9 ness, shall support the development of, promulgate,
10 and regularly update as necessary national voluntary
11 consensus standards for first responder training car-
12 ried out with amounts provided under covered grant
13 programs, that will enable State and local govern-
14 ment first responders to achieve optimal levels of ter-
15 rorism preparedness as quickly as practicable. Such
16 standards shall give priority to providing training
17 to—

18 “(A) enable first responders to prevent, pre-
19 pare for, respond to, and mitigate terrorist
20 threats, including threats from chemical, biologi-
21 cal, nuclear, and radiological weapons and ex-
22 plosive devices capable of inflicting significant
23 human casualties; and

24 “(B) familiarize first responders with the
25 proper use of equipment, including software, de-

1 *veloped pursuant to the standards established*
 2 *under subsection (a).*

3 “(2) *REQUIRED CATEGORIES.*—*In carrying out*
 4 *paragraph (1), the Secretary specifically shall include*
 5 *the following categories of first responder activities:*

6 “(A) *Regional planning.*

7 “(B) *Joint exercises.*

8 “(C) *Intelligence collection, analysis, and*
 9 *sharing.*

10 “(D) *Emergency notification of affected*
 11 *populations.*

12 “(E) *Detection of biological, nuclear, radio-*
 13 *logical, and chemical weapons of mass destruc-*
 14 *tion.*

15 “(F) *Such other activities for which the Sec-*
 16 *retary determines that national voluntary con-*
 17 *sensus training standards would be appropriate.*

18 “(c) *CONSULTATION WITH STANDARDS ORGANIZA-*
 19 *TIONS.*—*In establishing national voluntary consensus*
 20 *standards for first responder equipment and training under*
 21 *this section, the Secretary shall consult with relevant public*
 22 *and private sector groups, including—*

23 “(1) *the National Institute of Standards and*
 24 *Technology;*

25 “(2) *the National Fire Protection Association;*

1 “(3) *the National Association of County and*
2 *City Health Officials;*

3 “(4) *the Association of State and Territorial*
4 *Health Officials;*

5 “(5) *the American National Standards Institute;*

6 “(6) *the National Institute of Justice;*

7 “(7) *the Inter-Agency Board for Equipment*
8 *Standardization and Interoperability;*

9 “(8) *the National Public Health Performance*
10 *Standards Program;*

11 “(9) *the National Institute for Occupational*
12 *Safety and Health;*

13 “(10) *ASTM International; and*

14 “(11) *to the extent the Secretary considers ap-*
15 *propriate, other national voluntary consensus stand-*
16 *ards development organizations, other interested Fed-*
17 *eral, State, and local agencies, and other interested*
18 *persons.*

19 **“SEC. 1807. DEFINITIONS.**

20 *“In this title:*

21 “(1) *BOARD.—The term ‘Board’ means the First*
22 *Responder Grants Board established under section*
23 *1804(f).*

1 “(2) *COVERED GRANT.*—The term ‘covered grant’
2 *means any grant to which this title applies under sec-*
3 *tion 1801.*

4 “(3) *ELEVATIONS IN THE THREAT ALERT*
5 *LEVEL.*—The term ‘elevations in the threat alert level’
6 *means any designation (including those that are less*
7 *than national in scope) that raises the homeland secu-*
8 *rity threat level to either the highest or second highest*
9 *threat level under the Homeland Security Advisory*
10 *System referred to in section 201(d)(7).*

11 “(4) *ESSENTIAL CAPABILITIES.*—The term ‘es-
12 *sential capabilities’ means the levels, availability, and*
13 *competence of emergency personnel, planning, train-*
14 *ing, and equipment across a variety of disciplines*
15 *needed to effectively and efficiently prevent, prepare*
16 *for, and respond to acts of terrorism consistent with*
17 *established practices.*

18 “(5) *REGION.*—The term ‘region’ means—

19 “(A) *any geographic area consisting of all*
20 *or parts of 2 or more contiguous States, counties,*
21 *municipalities, or other local governments that*
22 *have a combined population of at least 1,650,000*
23 *or have an area of not less than 20,000 square*
24 *miles, and that, for purposes of an application*
25 *for a covered grant, is represented by 1 or more*

1 *governments or governmental agencies within*
2 *such geographic area, and that is established by*
3 *law or by agreement of 2 or more such govern-*
4 *ments or governmental agencies in a mutual aid*
5 *agreement; or*

6 *“(B) any other combination of contiguous*
7 *local government units (including such a com-*
8 *bination established by law or agreement of two*
9 *or more governments or governmental agencies*
10 *in a mutual aid agreement) that is formally cer-*
11 *tified by the Secretary as a region for purposes*
12 *of this Act with the consent of—*

13 *“(i) the State or States in which they*
14 *are located, including a multi-State entity*
15 *established by a compact between two or*
16 *more States; and*

17 *“(ii) the incorporated municipalities,*
18 *counties, and parishes which they encom-*
19 *pass.*

20 *“(6) TASK FORCE.—The term ‘Task Force’*
21 *means the Task Force on Essential Capabilities for*
22 *First Responders established under section 1803.*

23 *“(7) FIRST RESPONDER.—The term ‘first re-*
24 *sponder’ shall have the same meaning as the term*
25 *‘emergency response provider’.”.*

1 (b) *DEFINITION OF EMERGENCY RESPONSE PRO-*
 2 *VIDERS.*—Section 2(6) of the Homeland Security Act of
 3 2002 (Public Law 107–296; 6 U.S.C. 101(6)) is amended
 4 by inserting “fire,” after “law enforcement,”.

5 (c) *TEMPORARY LIMITATION ON APPLICATION.*—The
 6 following provisions of title XVIII of the Homeland Secu-
 7 rity Act of 2002, as amended by subsection (a), shall not
 8 apply during the 2 year period beginning on the date of
 9 the enactment of this Act:

10 (1) Subsections (b), (c), (e) (except paragraph
 11 (5) of such subsection), and (f)(3)(B) of section 1804.

12 (2) Subparagraphs (D) and (E) of section
 13 1805(e)(4).

14 (3) Section 1805(g)(3).

15 **SEC. 4. MODIFICATION OF HOMELAND SECURITY ADVISORY**
 16 **SYSTEM.**

17 (a) *IN GENERAL.*—Subtitle A of title II of the Home-
 18 land Security Act of 2002 (Public Law 107–296; 6 U.S.C.
 19 121 et seq.) is amended by adding at the end the following:

20 **“SEC. 203. HOMELAND SECURITY ADVISORY SYSTEM.**

21 “(a) *IN GENERAL.*—The Secretary shall revise the
 22 Homeland Security Advisory System referred to in section
 23 201(d)(7) to require that any designation of a threat level
 24 or other warning shall be accompanied by a designation

1 of the geographic regions or economic sectors to which the
2 designation applies.

3 “(b) *REPORTS.*—The Secretary shall report to the Con-
4 gress annually by not later than December 31 each year
5 regarding the geographic region-specific warnings and eco-
6 nomic sector-specific warnings issued during the preceding
7 fiscal year under the Homeland Security Advisory System
8 referred to in section 201(d)(7), and the bases for such
9 warnings. The report shall be submitted in unclassified
10 form and may, as necessary, include a classified annex.”.

11 (b) *CLERICAL AMENDMENT.*—The table of contents in
12 section 1(b) of the Homeland Security Act of 2002 (6 U.S.C.
13 101 et seq.) is amended by inserting after the item relating
14 to section 202 the following:

“203. *Homeland Security Advisory System.*”.

15 **SEC. 5. COORDINATION OF INDUSTRY EFFORTS.**

16 Section 102(f) of the Homeland Security Act of 2002
17 (Public Law 107–296; 6 U.S.C. 112(f)) is amended by strik-
18 ing “and” after the semicolon at the end of paragraph (6),
19 by striking the period at the end of paragraph (7) and in-
20 serting “; and”, and by adding at the end the following:

21 “(8) coordinating industry efforts to identify
22 private sector resources and capabilities that could be
23 effective in supplementing Federal, State, and local
24 government agency efforts to prevent or respond to a
25 terrorist attack.”.

1 **SEC. 6. SUPERSEDED PROVISION.**

2 *This Act supersedes section 1014 of Public Law 107–*
3 *56.*

4 **SEC. 7. SENSE OF CONGRESS REGARDING INTEROPERABLE**
5 **COMMUNICATIONS.**

6 (a) *FINDING.—The Congress finds that—*

7 *(1) many first responders working in the same*
8 *jurisdiction or in different jurisdictions cannot effec-*
9 *tively and efficiently communicate with one another,*
10 *and*

11 *(2) their inability to do so threatens the public’s*
12 *safety and may result in unnecessary loss of lives and*
13 *property.*

14 (b) *SENSE OF CONGRESS.—It is the sense of the Con-*
15 *gress that it is of national importance that interoperable*
16 *emergency communications systems that to the extent pos-*
17 *sible meet national voluntary consensus standards should*
18 *be developed and promulgated as soon as practicable for use*
19 *by the first responder community.*

20 **SEC. 8. SENSE OF CONGRESS REGARDING CITIZEN CORPS**
21 **COUNCILS.**

22 (a) *FINDING.—The Congress finds that Citizen Corps*
23 *councils help to enhance local citizen participation in ter-*
24 *rorism preparedness by coordinating multiple Citizen*
25 *Corps programs, developing community action plans, as-*
26 *sessing possible threats, and identifying local resources.*

1 (b) *SENSE OF CONGRESS.*—*It is the sense of the Con-*
 2 *gress that individual Citizen Corps councils should seek to*
 3 *enhance the preparedness and response capabilities of all*
 4 *organizations participating in the councils, including by*
 5 *providing funding to as many of their participating orga-*
 6 *nizations as practicable to promote local terrorism pre-*
 7 *paredness programs.*

8 **SEC. 9. STUDY REGARDING NATIONWIDE EMERGENCY NO-**
 9 **TIFICATION SYSTEM.**

10 (a) *STUDY.*—*The Secretary of Homeland Security, in*
 11 *consultation with the heads of other appropriate Federal*
 12 *agencies and representatives of providers and participants*
 13 *in the telecommunications industry, shall conduct a study*
 14 *to determine whether it is cost-effective, efficient, or feasible*
 15 *to establish and implement an emergency telephonic alert*
 16 *notification system that will—*

17 (1) *alert persons in the United States of immi-*
 18 *nent or current hazardous events caused by acts of*
 19 *terrorism; and*

20 (2) *provide information to individuals regarding*
 21 *appropriate measures that may be undertaken to al-*
 22 *leviate or minimize threats to their safety and welfare*
 23 *posed by such events.*

24 (b) *TECHNOLOGIES TO CONSIDER.*—*In conducting the*
 25 *study, the Secretary shall consider the use of the telephone,*

1 *wireless communications, and other existing communica-*
 2 *tions networks to provide such notification.*

3 *(c) REPORT.—Not later than 9 months after the date*
 4 *of the enactment of this Act, the Secretary shall submit to*
 5 *the Congress a report regarding the conclusions of the study.*

6 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

7 *For making covered grants (as that term is defined*
 8 *in section 1807 of the Homeland Security Act of 2002, as*
 9 *amended by this Act) there is authorized to be appropriated*
 10 *to the Secretary of Homeland Security \$3,400,000,000 for*
 11 *fiscal year 2006.*

12 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

13 **(a) SHORT TITLE.—***This Act may be cited as*
 14 ***the “Faster and Smarter Funding for First Re-***
 15 ***sponders Act of 2004”.***

16 **(b) TABLE OF CONTENTS.—***The table of con-*
 17 ***tents for this Act is as follows:***

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Faster and Smarter Funding for First Responders.

“TITLE XVIII—FUNDING FOR FIRST RESPONDERS

“1801. Faster and smarter funding for first responders.

“1802. Essential capabilities for first responders.

“1803. Covered grant eligibility and criteria.

“1804. Use of funds and accountability requirements.

**“1805. National standards for first responder equipment
and training.**

“1806. Definitions.

Sec. 4. Modification of Homeland Security Advisory System.

“Sec. 203. Homeland Security Advisory System.

Sec. 5. Coordination of industry efforts.

Sec. 6. Superseded provision.

**Sec. 7. Sense of Congress regarding interoperable communica-
tions.**

Sec. 8. Sense of Congress regarding Citizen Corps councils.

Sec. 9. Study regarding nationwide emergency notification system.

Sec. 10. Authorization of appropriations.

1 *SEC. 2. FINDINGS.*

2 *The Congress finds the following:*

3 *(1) In order to achieve its objective of*
4 *minimizing the damage, and assisting in*
5 *the recovery, from terrorist attacks, the*
6 *Department of Homeland Security must*
7 *play a leading role in assisting commu-*
8 *nities to reach the level of preparedness*
9 *they need to respond to a terrorist attack.*

10 *(2) First responder funding is not*
11 *reaching the men and women of our Na-*
12 *tion's first response teams quickly enough,*
13 *and sometimes not at all.*

14 *(3) To reform the current bureau-*
15 *cratic process so that homeland security*
16 *dollars reach the first responders who*
17 *need it most, it is necessary to clarify and*
18 *consolidate the authority and procedures*
19 *of the Department of Homeland Security*
20 *to support first responders.*

21 *(4) Ensuring adequate resources for*
22 *the new national mission of homeland se-*
23 *curity requires a discrete and separate*

1 *grant making process for homeland secu-*
2 *rity funds for first response to terrorist*
3 *acts, on the one hand, and for first re-*
4 *sponder programs designed to meet pre-9/*
5 *11 priorities, on the other.*

6 *(5) Homeland security grants to first*
7 *responders must be based on the best in-*
8 *telligence concerning the capabilities and*
9 *intentions of our terrorist enemies, and*
10 *that intelligence must be used to target re-*
11 *sources to the Nation's greatest risks,*
12 *vulnerabilities, and consequences.*

13 *(6) The Nation's first response capa-*
14 *bilities will be improved by sharing re-*
15 *sources, training, planning, personnel,*
16 *and equipment among neighboring juris-*
17 *dictions through mutual aid agreements*
18 *and regional cooperation. Such regional*
19 *cooperation should be supported, where*
20 *appropriate, through direct grants from*
21 *the Department of Homeland Security.*

22 *(7) An essential prerequisite to achiev-*
23 *ing the Nation's homeland security objec-*
24 *tives for first responders is the establish-*
25 *ment of well-defined national goals for*

1 *terrorism preparedness. These goals*
2 *should delineate the essential capabilities*
3 *that every jurisdiction in the United*
4 *States should possess or to which it*
5 *should have access.*

6 (8) *A national determination of essen-*
7 *tial capabilities is needed to identify lev-*
8 *els of State and local government ter-*
9 *rorism preparedness, to determine the na-*
10 *ture and extent of State and local first re-*
11 *sponder needs, to identify the human and*
12 *financial resources required to fulfill*
13 *them, and to direct funding to meet those*
14 *needs and to measure preparedness levels*
15 *on a national scale.*

16 (9) *To facilitate progress in attaining*
17 *essential capabilities for State and local*
18 *first responders, the Department of Home-*
19 *land Security should seek to allocate*
20 *homeland security funding for first re-*
21 *sponders to meet nationwide needs.*

22 (10) *Private sector resources and cit-*
23 *izen volunteers can perform critical func-*
24 *tions in assisting in preventing and re-*
25 *sponding to terrorist attacks, and should*

1 *be integrated into State and local plan-*
2 *ning efforts to ensure that their capabili-*
3 *ties and roles are understood, so as to pro-*
4 *vide enhanced State and local oper-*
5 *ational capability and surge capacity.*

6 *(11) Public-private partnerships, such*
7 *as the partnerships between the Business*
8 *Executives for National Security and the*
9 *States of New Jersey and Georgia, can be*
10 *useful to identify and coordinate private*
11 *sector support for State and local first re-*
12 *sponders. Such models should be ex-*
13 *panded to cover all States and territories.*

14 *(12) An important component of na-*
15 *tional standards is measurability, so that*
16 *it is possible to determine how prepared a*
17 *State or local government is now, and*
18 *what additional steps it needs to take, in*
19 *order to respond to acts of terrorism.*

20 *(13) The Department of Homeland Se-*
21 *curity should establish, publish, and regu-*
22 *larly update national voluntary consensus*
23 *standards for both equipment and train-*
24 *ing, in cooperation with both public and*
25 *private sector standard setting organiza-*

9 ***(a) IN GENERAL.—The Homeland Security***
10 ***Act of 2002 (Public Law 107–296; 6 U.S.C. 361***
11 ***et seq.) is amended—***

“TITLE XVIII—FUNDING FOR FIRST RESPONDERS

“1806. Definitions.”; and

15 ***“TITLE XVIII—FUNDING FOR***
16 ***FIRST RESPONDERS***

19 “(a) **COVERED GRANTS.**—*This title applies*
20 *to any grant provided by the Department to*
21 *States or regions to improve the ability of first*

1 *responders to prevent, prepare for, respond to,*
2 *or mitigate threatened or actual terrorist at-*
3 *tacks, especially those involving weapons of*
4 *mass destruction, and including any grant*
5 *under the following:*

6 “(1) *STATE HOMELAND SECURITY GRANT*
7 *PROGRAM.—The State Homeland Security*
8 *Grant Program of the Department, or any*
9 *successor to such grant program.*

10 “(2) *URBAN AREA SECURITY INITIATIVE.—*
11 *The Urban Area Security Initiative of the*
12 *Department, or any successor to such*
13 *grant program.*

14 “(b) *EXCLUDED PROGRAMS.—This title does*
15 *not apply to or otherwise affect the following*
16 *Federal grant programs or any grant under*
17 *such a program:*

18 “(1) *NONDEPARTMENT PROGRAMS.—Any*
19 *Federal grant program that is not admin-*
20 *istered by the Department.*

21 “(2) *FIRE GRANT PROGRAMS.—The fire*
22 *grant programs authorized by sections 33*
23 *and 34 of the Federal Fire Prevention and*
24 *Control Act of 1974 (15 U.S.C. 2229,*
25 *2229a).*

1 **“(3) EMERGENCY MANAGEMENT PLANNING**
 2 **AND ASSISTANCE ACCOUNT GRANTS.—***The*
 3 **Emergency Management Performance**
 4 **Grant program and the Urban Search**
 5 **and Rescue Grants program authorized**
 6 **by title VI of the Robert T. Stafford Dis-**
 7 **aster Relief and Emergency Assistance Act**
 8 **(42 U.S.C. 5195 et seq.); the Departments**
 9 **of Veterans Affairs and Housing and**
 10 **Urban Development, and Independent**
 11 **Agencies Appropriations Act, 2000 (113**
 12 **Stat. 1047 et seq.); and the Earthquake**
 13 **Hazards Reduction Act of 1977 (42 U.S.C.**
 14 **7701 et seq.).**

15 **“SEC. 1802. ESSENTIAL CAPABILITIES FOR FIRST RESPOND-**
 16 **ERS.**

17 **“(a) ESTABLISHMENT OF ESSENTIAL CAPA-**
 18 **BILITIES.—**

19 **“(1) IN GENERAL.—***For purposes of cov-*
 20 **ered grants, the Secretary shall establish**
 21 **clearly defined essential capabilities for**
 22 **State and local government preparedness**
 23 **for terrorism, in consultation with—**

24 **“(A) the Under Secretaries for**
 25 **Emergency Preparedness and Re-**

1 *sponse, Border and Transportation*
2 *Security, Information Analysis and In-*
3 *frastructure Protection, and Science*
4 *and Technology, and the Director of*
5 *the Office for Domestic Preparedness;*

6 *“(B) other appropriate Federal*
7 *agencies;*

8 *“(C) State and local first re-*
9 *sponder agencies and officials; and*

10 *“(D) groups responsible for setting*
11 *standards relevant to the first re-*
12 *sponder community.*

13 *“(2) DEADLINES.—The Secretary*
14 *shall—*

15 *“(A) establish essential capabili-*
16 *ties under paragraph (1) not later*
17 *than 120 days after the date of the en-*
18 *actment of this section; and*

19 *“(B) regularly update such essen-*
20 *tial capabilities as necessary, but not*
21 *less than every 3 years.*

22 *“(3) PROVISION OF ESSENTIAL CAPABILI-*
23 *TIES.—The Secretary shall ensure that es-*
24 *sential capabilities established under*
25 *paragraph (1) are provided promptly to*

1 *the States and to the Congress. The States*
2 *shall make the essential capabilities*
3 *available as necessary and appropriate to*
4 *local governments within their jurisdic-*
5 *tions.*

6 “(b) **OBJECTIVES.**—*The Secretary shall en-*
7 *sure that essential capabilities established*
8 *under subsection (a)(1) meet the following ob-*
9 *jectives:*

10 “(1) **SPECIFICITY.**—*The determination*
11 *of essential capabilities specifically shall*
12 *describe the training, planning, per-*
13 *sonnel, and equipment that different types*
14 *of communities in the Nation should pos-*
15 *sess, or to which they should have access,*
16 *in order to meet the Department’s goals*
17 *for terrorism preparedness based upon—*

18 “(A) *the most current risk assess-*
19 *ment available by the Directorate for*
20 *Information Analysis and Infrastruc-*
21 *ture Protection of the threats of ter-*
22 *rorism against the United States; and*

23 “(B) *the types of threats,*
24 *vulnerabilities, geography, size, and*
25 *other factors that the Secretary has*

1 *determined to be applicable to each*
2 *different type of community.*

3 “(2) *FLEXIBILITY.—The establishment*
4 *of essential capabilities shall be suffi-*
5 *ciently flexible to allow State and local*
6 *government officials to set priorities*
7 *based on particular needs, while reaching*
8 *nationally determined terrorism pre-*
9 *paredness levels within a specified time*
10 *period.*

11 “(3) *MEASURABILITY.—The establish-*
12 *ment of essential capabilities shall be de-*
13 *signed to enable measurement of progress*
14 *towards specific terrorism preparedness*
15 *goals.*

16 “(c) *THREATS TO BE CONSIDERED.—*

17 “(1) *IN GENERAL.—In establishing es-*
18 *sential capabilities under subsection*
19 *(a)(1), the Secretary specifically shall con-*
20 *sider the variables of threat, vulner-*
21 *ability, and consequences with respect to*
22 *the Nation’s population (including tran-*
23 *sient commuting and tourist populations)*
24 *and critical infrastructure. Such consid-*
25 *eration shall be based upon the most cur-*

1 *rent risk assessment available by the Di-*
2 *rectorate for Information Analysis and In-*
3 *frastructure Protection of the threats of*
4 *terrorism against the United States.*

5 **“(2) CRITICAL INFRASTRUCTURE SEC-**
6 **TORS.—***The Secretary specifically shall*
7 *consider threats of terrorism against the*
8 *following critical infrastructure sectors in*
9 *all areas of the Nation, urban and rural:*

10 **“(A) Agriculture.**

11 **“(B) Banking and finance.**

12 **“(C) Chemical industries.**

13 **“(D) The defense industrial base.**

14 **“(E) Emergency services.**

15 **“(F) Energy.**

16 **“(G) Food.**

17 **“(H) Government.**

18 **“(I) Postal and shipping.**

19 **“(J) Public health.**

20 **“(K) Information and tele-**
21 **communications networks.**

22 **“(L) Transportation.**

23 **“(M) Water.**

24 *The order in which the critical infrastruc-*
25 *ture sectors are listed in this paragraph*

1 *shall not be construed as an order of pri-*
2 *ority for consideration of the importance*
3 *of such sectors.*

4 “(3) *CONSIDERATION OF ADDITIONAL*
5 *THREATS.—In establishing essential capa-*
6 *bilities under subsection (a)(1), the Sec-*
7 *retary shall take into account any other*
8 *specific threat to a population (including*
9 *a transient commuting or tourist popu-*
10 *lation) or critical infrastructure sector*
11 *that the Secretary has determined to exist.*

12 “SEC. 1803. *COVERED GRANT ELIGIBILITY AND CRITERIA.*

13 “(a) *GRANT ELIGIBILITY.—Any State or re-*
14 *gion shall be eligible to apply for a covered*
15 *grant.*

16 “(b) *GRANT CRITERIA.—In awarding cov-*
17 *ered grants, the Secretary shall assist States*
18 *and local governments in achieving the essen-*
19 *tial capabilities for first responders estab-*
20 *lished by the Secretary under section 1802.*

21 “(c) *STATE HOMELAND SECURITY PLANS.—*

22 “(1) *SUBMISSION OF PLANS.—The Sec-*
23 *retary shall require that any State apply-*
24 *ing to the Secretary for a covered grant*

1 *must submit to the Secretary a 3-year*
2 *State homeland security plan that—*

3 “(A) *demonstrates the extent to*
4 *which the State has achieved the es-*
5 *sential capabilities that apply to the*
6 *State;*

7 “(B) *demonstrates the additional*
8 *needs of the State necessary to achieve*
9 *the essential capabilities that apply to*
10 *the State;*

11 “(C) *includes a prioritization of*
12 *such additional needs based on*
13 *threat, vulnerability, and consequence*
14 *assessment factors applicable to the*
15 *State;*

16 “(D) *describes how the State in-*
17 *tends—*

18 “(i) *to address such additional*
19 *needs at the city, county, regional,*
20 *State, and interstate level;*

21 “(ii) *to use all Federal, State,*
22 *and local resources available for*
23 *the purpose of addressing such*
24 *additional needs; and*

1 “(iii) *to give particular em-*
 2 *phasis to regional planning and*
 3 *cooperation, both within its juris-*
 4 *ditional borders and with neigh-*
 5 *boring States; and*

6 “(E) *is developed in consultation*
 7 *with and subject to appropriate com-*
 8 *ment by local governments within the*
 9 *State.*

10 “(2) *APPROVAL BY SECRETARY.—The*
 11 *Secretary may not award any covered*
 12 *grant to a State unless the Secretary has*
 13 *approved the applicable State homeland*
 14 *security plan.*

15 “(d) *CONSISTENCY WITH STATE PLANS.—The*
 16 *Secretary shall ensure that each covered grant*
 17 *is used to supplement and support, in a con-*
 18 *sistent and coordinated manner, the applica-*
 19 *ble State homeland security plan or plans.*

20 “(e) *APPLICATION FOR GRANT.—*

21 “(1) *IN GENERAL.—Any State or region*
 22 *may apply for a covered grant by submit-*
 23 *ting to the Secretary an application at*
 24 *such time, in such manner, and con-*
 25 *taining such information as is required*

1 *under this subsection, or as the Secretary*
2 *may reasonably require.*

3 “(2) *DEADLINES FOR APPLICATIONS AND*
4 *AWARDS.—All applications for covered*
5 *grants must be submitted to the Secretary*
6 *no later than February 15 of the fiscal*
7 *year for which they are submitted. The*
8 *Secretary shall award covered grants pur-*
9 *suant to all approved applications for*
10 *such fiscal year as soon as practicable,*
11 *but not later than July 31 of such year.*

12 “(3) *AVAILABILITY OF FUNDS.—All funds*
13 *awarded by the Secretary under covered*
14 *grants in a fiscal year shall be available*
15 *for obligation through the end of the sub-*
16 *sequent fiscal year.*

17 “(4) *MINIMUM CONTENTS OF APPLICA-*
18 *TION.—The Secretary shall require that*
19 *each applicant include in its application,*
20 *at a minimum—*

21 “(A) *the purpose for which the ap-*
22 *plicant seeks covered grant funds and*
23 *the reasons why the applicant needs*
24 *the covered grant to meet the essential*
25 *capabilities for terrorism prepared-*

1 *ness within the State or region to*
2 *which the application pertains;*

3 *“(B) a description of how, by ref-*
4 *erence to the applicable State home-*
5 *land security plan or plans under sub-*
6 *section (c), the allocation of grant*
7 *funding proposed in the application,*
8 *including, where applicable, the*
9 *amount not passed through under sec-*
10 *tion 1804(e)(1), would assist in ful-*
11 *filling the essential capabilities speci-*
12 *fied in such plan or plans;*

13 *“(C) a statement of whether a mu-*
14 *tual aid agreement applies to the use*
15 *of all or any portion of the covered*
16 *grant funds;*

17 *“(D) if the applicant is a region—*

18 *“(i) a precise geographical de-*
19 *scription of the region and a spec-*
20 *ification of all participating and*
21 *nonparticipating local govern-*
22 *ments within the geographical*
23 *area comprising that region;*

24 *“(ii) a specification of what*
25 *governmental entity within the re-*

1 *gion will administer the expendi-*
2 *ture of funds under the covered*
3 *grant; and*

4 *“(iii) a designation of a spe-*
5 *cific individual to serve as re-*
6 *gional liaison;*

7 *“(E) a capital budget showing how*
8 *the applicant intends to allocate and*
9 *expend the covered grant funds; and*

10 *“(F) a statement of how the appli-*
11 *cant intends to meet the matching re-*
12 *quirement, if any, that applies under*
13 *section 1804(e)(2).*

14 *“(5) REGIONAL APPLICATIONS.—*

15 *“(A) SUBMISSION TO STATE OR*
16 *STATES.—To ensure the consistency re-*
17 *quired under subsection (d), an appli-*
18 *cant that is a region must simulta-*
19 *neously submit its application to the*
20 *Department and to each State of*
21 *which any part is included in the re-*
22 *gion.*

23 *“(B) OPPORTUNITY FOR STATE COM-*
24 *MENT.—Before awarding any covered*
25 *grant to a region, the Secretary shall*

1 *provide an opportunity to each State*
2 *of which any part is included in a re-*
3 *gion, during the 30-day period begin-*
4 *ning on the date on which the region*
5 *submits an application for a covered*
6 *grant, to comment to the Secretary on*
7 *the consistency of the region's plan*
8 *with the State's homeland security*
9 *plan.*

10 “(C) *FINAL AUTHORITY.—The Sec-*
11 *retary shall have final authority to*
12 *determine the consistency of any re-*
13 *gional application with the applica-*
14 *ble State homeland security plan or*
15 *plans and approve any regional appli-*
16 *cation. The Secretary shall notify each*
17 *State of which any part is included in*
18 *a region of the approval of a regional*
19 *application for that region.*

20 “(D) *REGIONAL LIAISONS.—A re-*
21 *gional liaison designated under para-*
22 *graph (4)(D)(iii) shall—*

23 “(i) *coordinate with Federal,*
24 *State, local, regional, and private*

1 *officials within the region con-*
2 *cerning terrorism preparedness;*

3 *“(ii) develop a process for re-*
4 *ceiving input from Federal, State,*
5 *local, regional, and private sector*
6 *officials within the region to as-*
7 *sist in the development of the re-*
8 *gional application and to improve*
9 *the region’s access to covered*
10 *grants; and*

11 *“(iii) administer, in consulta-*
12 *tion with State, local, regional,*
13 *and private officials within the re-*
14 *gion, covered grants awarded to*
15 *the region.*

16 **“(6) EQUIPMENT STANDARDS.—***If an ap-*
17 *plicant for a covered grant proposes to*
18 *upgrade or purchase, with assistance pro-*
19 *vided under the grant, new equipment or*
20 *systems that do not meet or exceed any ap-*
21 *plicable national voluntary consensus*
22 *standards established by the Secretary*
23 *under section 1805(a), the applicant shall*
24 *include in the application an explanation*
25 *of why such equipment or systems will*

1 *serve the needs of the applicant better*
2 *than equipment or systems that meet or*
3 *exceed such standards.*

4 ***“(f) FIRST RESPONDER GRANTS BOARD.—***

5 ***“(1) ESTABLISHMENT OF BOARD.—The***
6 ***Secretary shall establish a First Re-***
7 ***sponder Grants Board, consisting of—***

8 ***“(A) the Secretary;***

9 ***“(B) the Under Secretary for Emer-***
10 ***gency Preparedness and Response;***

11 ***“(C) the Under Secretary for Bor-***
12 ***der and Transportation Security;***

13 ***“(D) the Under Secretary for Infor-***
14 ***mation Analysis and Infrastructure***
15 ***Protection;***

16 ***“(E) the Under Secretary for***
17 ***Science and Technology; and***

18 ***“(F) the Director of the Office for***
19 ***Domestic Preparedness.***

20 ***“(2) CHAIRMAN.—***

21 ***“(A) IN GENERAL.—The Secretary***
22 ***shall be the Chairman of the Board.***

23 ***“(B) EXERCISE OF AUTHORITIES BY***
24 ***DEPUTY SECRETARY.—The Deputy Sec-***
25 ***retary of Homeland Security may exer-***

1 *cise the authorities of the Chairman,*
2 *if the Secretary so directs.*

3 **“(3) RANKING OF GRANT APPLICATIONS.—**

4 **“(A) PRIORITIZATION OF GRANTS.—**
5 *The Board shall evaluate and annu-*
6 *ally prioritize all pending applica-*
7 *tions for covered grants based upon*
8 *the degree to which they would lessen*
9 *the threat to, vulnerability of, and*
10 *consequences for persons and critical*
11 *infrastructure.*

12 **“(B) ACHIEVING NATIONWIDE CAPA-**
13 *BILITY.—In evaluating and*
14 *prioritizing grant applications under*
15 *subparagraph (A), the Board shall—*

16 **“(i) seek to achieve and en-**
17 *hance essential capabilities*
18 *throughout the Nation; and*

19 **“(ii) seek to allocate a portion**
20 *of the funds available for covered*
21 *grants each fiscal year for the*
22 *purpose of making covered grants*
23 *to each approved applicant that*
24 *the Board determines has dem-*

1 *onstrated a valid need in its ap-*
2 *plication.*

3 **“(4) FUNCTIONS OF UNDER SECRE-**
4 **TARIES.—***The Under Secretaries referred to*
5 *in paragraph (1) shall seek to ensure that*
6 *the relevant expertise and input of the*
7 *staff of their directorates are available to*
8 *and considered by the Board.*

9 **“SEC. 1804. USE OF FUNDS AND ACCOUNTABILITY REQUIRE-**
10 **MENTS.**

11 **“(a) IN GENERAL.—***A covered grant may be*
12 *used for—*

13 **“(1) purchasing or upgrading equip-**
14 **ment, including computer software, to en-**
15 **hance terrorism preparedness and re-**
16 **sponse;**

17 **“(2) exercises to strengthen terrorism**
18 **preparedness and response;**

19 **“(3) training for prevention (includ-**
20 **ing detection) of, preparedness for, or re-**
21 **sponse to attacks involving weapons of**
22 **mass destruction, including training in**
23 **the use of equipment and computer soft-**
24 **ware;**

1 “(4) *developing or updating response*
2 *plans;*

3 “(5) *establishing or enhancing mecha-*
4 *nisms for sharing terrorism threat infor-*
5 *mation pursuant to this Act;*

6 “(6) *systems architecture and engi-*
7 *neering, program planning and manage-*
8 *ment, strategy formulation and strategic*
9 *planning, life-cycle systems design, prod-*
10 *uct and technology evaluation, and proto-*
11 *type development for terrorism prepared-*
12 *ness and response purposes;*

13 “(7) *additional personnel costs result-*
14 *ing from—*

15 “(A) *elevations in the threat alert*
16 *level of the Homeland Security Advi-*
17 *sory System;*

18 “(B) *travel to and participation in*
19 *exercises and training in the use of*
20 *equipment and on prevention activi-*
21 *ties; and*

22 “(C) *the temporary replacement of*
23 *personnel during any period of travel*
24 *to and participation in exercises and*

1 *training in the use of equipment and*
2 *on prevention activities;*

3 “(8) *the costs of equipment (including*
4 *software) required to receive, transmit,*
5 *handle, and store classified information;*

6 “(9) *enhancing facilities to serve as*
7 *operations centers, or hardening critical*
8 *infrastructure against potential attack by*
9 *the addition of barriers, fences, gates, and*
10 *other such devices;*

11 “(10) *the costs of commercially avail-*
12 *able interoperable communications equip-*
13 *ment (which, where applicable, is based*
14 *on national, voluntary consensus stand-*
15 *ards) that the Secretary, in consultation*
16 *with the Chairman of the Federal Com-*
17 *munications Commission, deems best suit-*
18 *ed to facilitate interoperability, coordina-*
19 *tion, and integration between and among*
20 *emergency communications systems, and*
21 *that complies with prevailing grant guid-*
22 *ance of the Department for interoperable*
23 *communications;*

1 “(11) *educational curricula develop-*
2 *ment for first responders to ensure that*
3 *they are prepared for terrorist attacks;*

4 “(12) *training and exercises to assist*
5 *public elementary and secondary schools*
6 *in developing and implementing pro-*
7 *grams to instruct students regarding age-*
8 *appropriate skills to prepare for and re-*
9 *spond to an act of terrorism; and*

10 “(13) *other appropriate activities as*
11 *determined by the Secretary.*

12 *“The costs of training described in this sub-*
13 *section include such costs for full-time, part-*
14 *time, and volunteer first responders.*

15 “(b) *PROHIBITED USES.—Funds provided as*
16 *a covered grant may not be used—*

17 “(1) *to supplant State or local funds*
18 *for, or otherwise support, traditional mis-*
19 *sions of State and local law enforcement,*
20 *firefighters, emergency medical services,*
21 *or public health agencies, unless such*
22 *support serves a dual purpose and the*
23 *funds are primarily intended to enhance*
24 *terrorism preparedness;*

1 “(2) *to construct buildings or other*
2 *physical facilities;*

3 “(3) *to acquire land; or*

4 “(4) *for any State or local government*
5 *cost sharing contribution.*

6 “(c) *ASSISTANCE REQUIREMENT.—The Sec-*
7 *retary may not request that equipment paid*
8 *for, wholly or in part, with funds provided as*
9 *a covered grant be made available for re-*
10 *sponding to emergencies in surrounding*
11 *States, regions, and localities, unless the Sec-*
12 *retary undertakes to pay the costs directly at-*
13 *tributable to transporting and operating such*
14 *equipment during such response.*

15 “(d) *FLEXIBILITY IN UNSPENT HOMELAND SE-*
16 *curity GRANT FUNDS.—Upon request by the re-*
17 *cipient of a covered grant, the Secretary may*
18 *authorize the grantee to transfer all or part of*
19 *funds provided as the covered grant from uses*
20 *specified in the grant agreement to other uses*
21 *authorized under this section, if the Secretary*
22 *determines that such transfer is in the inter-*
23 *ests of homeland security.*

24 “(e) *STATE AND REGIONAL RESPONSIBIL-*
25 *ITIES.—*

1 “(1) *PASS-THROUGH.*—*The Secretary*
2 *shall require a recipient of a covered*
3 *grant that is a State to obligate or other-*
4 *wise make available to local governments,*
5 *first responders, and other local groups,*
6 *to the extent required under the State*
7 *homeland security plan or plans specified*
8 *in the application for the grant, not less*
9 *than 80 percent of the grant funds, re-*
10 *sources purchased with the grant funds*
11 *having a value equal to at least 80 per-*
12 *cent of the amount of the grant, or a com-*
13 *bination thereof, by not later than the end*
14 *of the 45-day period beginning on the date*
15 *the grant recipient receives the grant*
16 *funds.*

17 “(2) *COST SHARING.*—

18 “(A) *IN GENERAL.*—*The Federal*
19 *share of the costs of an activity car-*
20 *ried out with a covered grant to a*
21 *State or region awarded after the 2-*
22 *year period beginning on the date of*
23 *the enactment of this section shall not*
24 *exceed 75 percent.*

1 “(B) *INTERIM RULE.—The Federal*
2 *share of the costs of an activity car-*
3 *ried out with a covered grant award-*
4 *ed before the end of the 2-year period*
5 *beginning on the date of the enact-*
6 *ment of this section shall be 100 per-*
7 *cent.*

8 “(C) *IN-KIND MATCHING.—Each re-*
9 *cipient of a covered grant may meet*
10 *the matching requirement under sub-*
11 *paragraph (A) by making in-kind con-*
12 *tributions of goods or services that are*
13 *directly linked with the purpose for*
14 *which the grant is made, including,*
15 *but not limited to, any necessary per-*
16 *sonnel overtime, contractor services,*
17 *administrative costs, equipment fuel*
18 *and maintenance, and rental space.*

19 “(3) *CERTIFICATIONS REGARDING DIS-*
20 *TRIBUTION OF GRANT FUNDS TO LOCAL GOV-*
21 *ERNMENTS.—Any State that receives a cov-*
22 *ered grant shall certify to the Secretary,*
23 *by not later than 30 days after the expira-*
24 *tion of the period described in paragraph*
25 *(1) with respect to the grant, that the*

1 *State has made available for expenditure*
2 *by local governments, first responders,*
3 *and other local groups the required*
4 *amount of grant funds pursuant to para-*
5 *graph (1).*

6 ***“(4) REPORT ON HOMELAND SECURITY***
7 ***SPENDING.—Each recipient of a covered***
8 ***grant shall submit a report to the Sec-***
9 ***retary not later than 60 days after the end***
10 ***of each fiscal year. Each recipient of a***
11 ***covered grant that is a region must simul-***
12 ***taneously submit its report to each State***
13 ***of which any part is included in the re-***
14 ***gion. Each report must include the fol-***
15 ***lowing:***

16 ***“(A) The amount, ultimate recipi-***
17 ***ents, and dates of receipt of all funds***
18 ***received under the grant during the***
19 ***previous fiscal year.***

20 ***“(B) The amount and the dates of***
21 ***disbursements of all such funds ex-***
22 ***pended in compliance with paragraph***
23 ***(1) or pursuant to mutual aid agree-***
24 ***ments or other sharing arrangements***
25 ***that apply within the State or region,***

1 *as applicable, during the previous fis-*
2 *cal year.*

3 “(C) *How the funds were utilized*
4 *by each ultimate recipient or bene-*
5 *ficiary during the preceding fiscal*
6 *year.*

7 “(D) *The extent to which essential*
8 *capabilities identified in the applica-*
9 *ble State homeland security plan or*
10 *plans were achieved or enhanced as*
11 *the result of the expenditure of grant*
12 *funds during the preceding fiscal*
13 *year.*

14 “(E) *The extent to which essential*
15 *capabilities identified in the applica-*
16 *ble State homeland security plan or*
17 *plans remain unmet.*

18 “(5) *INCLUSION OF RESTRICTED AN-*
19 *NEXES.—A recipient of a covered grant*
20 *may submit to the Secretary an annex to*
21 *the report under paragraph (4) that is*
22 *subject to appropriate handling restric-*
23 *tions, if the recipient believes that discus-*
24 *sion in the report of unmet needs would*

1 *reveal sensitive but unclassified informa-*
2 *tion.*

3 **“(6) PROVISION OF REPORTS.—***The Sec-*
4 *retary shall ensure that each report under*
5 *paragraph (4) is provided to the Under*
6 *Secretary for Emergency Preparedness*
7 *and Response and the Director of the Of-*
8 *fice for Domestic Preparedness.*

9 **“(f) INCENTIVES TO EFFICIENT ADMINISTRA-**
10 **TION OF HOMELAND SECURITY GRANTS.—**

11 **“(1) PENALTIES FOR DELAY IN PASSING**
12 **THROUGH LOCAL SHARE.—***If a recipient of a*
13 *covered grant that is a State fails to pass*
14 *through to local governments, first re-*
15 *sponders, and other local groups funds or*
16 *resources required by subsection (e)(1)*
17 *within 45 days after receiving funds*
18 *under the grant, the Secretary may—*

19 **“(A) reduce grant payments to the**
20 **grant recipient from the portion of**
21 **grant funds that is not required to be**
22 **passed through under subsection**
23 **(e)(1);**

24 **“(B) terminate payment of funds**
25 **under the grant to the recipient, and**

1 *transfer the appropriate portion of*
2 *those funds directly to local first re-*
3 *sponders that were intended to receive*
4 *funding under that grant; or*

5 “(C) *impose additional restric-*
6 *tions or burdens on the recipient’s use*
7 *of funds under the grant, which may*
8 *include—*

9 “(i) *prohibiting use of such*
10 *funds to pay the grant recipient’s*
11 *grant-related overtime or other ex-*
12 *penses;*

13 “(ii) *requiring the grant re-*
14 *cipient to distribute to local gov-*
15 *ernment beneficiaries all or a por-*
16 *tion of grant funds that are not*
17 *required to be passed through*
18 *under subsection (e)(1); or*

19 “(iii) *for each day that the*
20 *grant recipient fails to pass*
21 *through funds or resources in ac-*
22 *cordance with subsection (e)(1),*
23 *reducing grant payments to the*
24 *grant recipient from the portion of*
25 *grant funds that is not required to*

1 *be passed through under sub-*
2 *section (e)(1), except that the total*
3 *amount of such reduction may not*
4 *exceed 20 percent of the total*
5 *amount of the grant.*

6 “(2) *EXTENSION OF PERIOD.—The Gov-*
7 *ernor of a State may request in writing*
8 *that the Secretary extend the 45-day pe-*
9 *riod under paragraph (1) for an addi-*
10 *tional 15-day period. The Secretary may*
11 *approve such a request, and may extend*
12 *such period for additional 15-day periods,*
13 *if the Secretary determines that the re-*
14 *sulting delay in providing grant funding*
15 *to the local government entities that will*
16 *receive funding under the grant will not*
17 *have a significant detrimental impact on*
18 *such entities’ terrorism preparedness ef-*
19 *forts.*

20 “(3) *PROVISION OF NON-LOCAL SHARE TO*
21 *LOCAL GOVERNMENT.—*

22 “(A) *IN GENERAL.—The Secretary*
23 *may upon request by a local govern-*
24 *ment pay to the local government a*
25 *portion of the amount of a covered*

1 *grant awarded to a State in which the*
2 *local government is located, if—*

3 “(i) *the local government will*
4 *use the amount paid to expedite*
5 *planned enhancements to its ter-*
6 *rorism preparedness as described*
7 *in any applicable State homeland*
8 *security plan or plans;*

9 “(ii) *the State has failed to*
10 *pass through funds or resources in*
11 *accordance with subsection (e)(1);*
12 *and*

13 “(iii) *the local government*
14 *complies with subparagraphs (B)*
15 *and (C).*

16 “(B) *SHOWING REQUIRED.—To re-*
17 *ceive a payment under this para-*
18 *graph, a local government must dem-*
19 *onstrate that—*

20 “(i) *it is identified explicitly as*
21 *an ultimate recipient or intended*
22 *beneficiary in the approved grant*
23 *application;*

24 “(ii) *it was intended by the*
25 *grantee to receive a severable por-*

1 *tion of the overall grant for a spe-*
2 *cific purpose that is identified in*
3 *the grant application;*

4 *“(iii) it petitioned the grantee*
5 *for the funds or resources after ex-*
6 *piration of the period within*
7 *which the funds or resources were*
8 *required to be passed through*
9 *under subsection (e)(1); and*

10 *“(iv) it did not receive the por-*
11 *tion of the overall grant that was*
12 *earmarked or designated for its*
13 *use or benefit.*

14 *“(C) EFFECT OF PAYMENT.—Pay-*
15 *ment of grant funds to a local govern-*
16 *ment under this paragraph—*

17 *“(i) shall not affect any pay-*
18 *ment to another local government*
19 *under this paragraph; and*

20 *“(ii) shall not prejudice con-*
21 *sideration of a request for pay-*
22 *ment under this paragraph that is*
23 *submitted by another local govern-*
24 *ment.*

1 ***“(D) DEADLINE FOR ACTION BY SEC-***
2 ***RETARY.—The Secretary shall approve***
3 ***or disapprove each request for pay-***
4 ***ment under this paragraph by not***
5 ***later than 15 days after the date the***
6 ***request is received by the Department.***

7 ***“(g) REPORTS TO CONGRESS.—The Secretary***
8 ***shall submit an annual report to the Congress***
9 ***by December 31 of each year—***

10 ***“(1) describing in detail the amount of***
11 ***Federal funds provided as covered grants***
12 ***that were directed to each State and re-***
13 ***gion in the preceding fiscal year;***

14 ***“(2) containing information on the use***
15 ***of such grant funds by grantees; and***

16 ***“(3) describing, on a nationwide and***
17 ***State-by-State basis—***

18 ***“(A) the extent to which essential***
19 ***capabilities identified in applicable***
20 ***State homeland security plan or plans***
21 ***were created or enhanced as the re-***
22 ***sult of the expenditure of covered***
23 ***grant funds during the preceding fis-***
24 ***cal year;***

1 “(B) *the extent to which essential*
2 *capabilities identified in applicable*
3 *State homeland security plan or plans*
4 *remain unmet; and*

5 “(C) *an estimate of the amount of*
6 *Federal, State, and local expenditures*
7 *required to attain across the United*
8 *States the essential capabilities estab-*
9 *lished under section 1802(a).*

10 “SEC. 1805. NATIONAL STANDARDS FOR FIRST RESPONDER
11 EQUIPMENT AND TRAINING.

12 “(a) *EQUIPMENT STANDARDS.—*

13 “(1) *IN GENERAL.—The Secretary, in*
14 *consultation with the Under Secretary for*
15 *Science and Technology and the Director*
16 *of the Office for Domestic Preparedness,*
17 *shall, not later than 6 months after the*
18 *date of enactment of this section, support*
19 *the development of, promulgate, and up-*
20 *date as necessary national voluntary con-*
21 *sensus standards for the performance,*
22 *use, and validation of first responder*
23 *equipment for purposes of section*
24 *1803(e)(6). Such standards—*

1 “(A) shall be, to the maximum ex-
2 tent practicable, consistent with any
3 existing voluntary consensus stand-
4 ards;

5 “(B) shall take into account, as
6 appropriate, new types of terrorism
7 threats that may not have been con-
8 templated when such existing stand-
9 ards were developed; and

10 “(C) shall be focused on maxi-
11 mizing interoperability, interchange-
12 ability, durability, flexibility, effi-
13 ciency, efficacy, portability, sustain-
14 ability, and safety.

15 “(2) **REQUIRED CATEGORIES.**—In car-
16 rying out paragraph (1), the Secretary
17 shall specifically consider the following
18 categories of first responder equipment:

19 “(A) *Thermal imaging equipment.*

20 “(B) *Radiation detection and*
21 *analysis equipment.*

22 “(C) *Biological detection and*
23 *analysis equipment.*

24 “(D) *Chemical detection and anal-*
25 *ysis equipment.*

1 ***“(E) Decontamination and steri-***
2 ***lization equipment.***

3 ***“(F) Personal protective equip-***
4 ***ment, including garments, boots,***
5 ***gloves, and hoods and other protective***
6 ***clothing.***

7 ***“(G) Respiratory protection equip-***
8 ***ment.***

9 ***“(H) Interoperable communica-***
10 ***tions, including wireless and wireline***
11 ***voice, video, and data networks.***

12 ***“(I) Explosive mitigation devices***
13 ***and explosive detection and analysis***
14 ***equipment.***

15 ***“(J) Containment vessels.***

16 ***“(K) Contaminant-resistant vehi-***
17 ***cles.***

18 ***“(L) Such other equipment for***
19 ***which the Secretary determines that***
20 ***national voluntary consensus stand-***
21 ***ards would be appropriate.***

22 ***“(b) TRAINING STANDARDS.—***

23 ***“(1) IN GENERAL.—The Secretary, in***
24 ***consultation with the Under Secretaries***
25 ***for Emergency Preparedness and Re-***

1 *sponse and Science and Technology and*
2 *the Director of the Office for Domestic*
3 *Preparedness, shall support the develop-*
4 *ment of, promulgate, and regularly up-*
5 *date as necessary national voluntary con-*
6 *sensus standards for first responder*
7 *training carried out with amounts pro-*
8 *vided under covered grant programs, that*
9 *will enable State and local government*
10 *first responders to achieve optimal levels*
11 *of terrorism preparedness as quickly as*
12 *practicable. Such standards shall give*
13 *priority to providing training to—*

14 *“(A) enable first responders to pre-*
15 *vent, prepare for, respond to, and*
16 *mitigate terrorist threats, including*
17 *threats from chemical, biological, nu-*
18 *clear, and radiological weapons and*
19 *explosive devices capable of inflicting*
20 *significant human casualties; and*

21 *“(B) familiarize first responders*
22 *with the proper use of equipment, in-*
23 *cluding software, developed pursuant*
24 *to the standards established under*
25 *subsection (a).*

1 **“(2) REQUIRED CATEGORIES.—In car-**
2 **rying out paragraph (1), the Secretary**
3 **specifically shall include the following**
4 **categories of first responder activities:**

5 **“(A) Regional planning.**

6 **“(B) Joint exercises.**

7 **“(C) Intelligence collection, anal-**
8 **ysis, and sharing.**

9 **“(D) Emergency notification of af-**
10 **ected populations.**

11 **“(E) Detection of biological, nu-**
12 **clear, radiological, and chemical**
13 **weapons of mass destruction.**

14 **“(F) Such other activities for**
15 **which the Secretary determines that**
16 **national voluntary consensus training**
17 **standards would be appropriate.**

18 **“(c) CONSULTATION WITH STANDARDS ORGA-**
19 **NIZATIONS.—In establishing national vol-**
20 **untary consensus standards for first re-**
21 **sponder equipment and training under this**
22 **section, the Secretary shall consult with rel-**
23 **evant public and private sector groups, includ-**
24 **ing—**

1 “(1) *the National Institute of Stand-*
2 *ards and Technology;*

3 “(2) *the National Fire Protection Asso-*
4 *ciation;*

5 “(3) *the National Association of Coun-*
6 *ty and City Health Officials;*

7 “(4) *the Association of State and Ter-*
8 *ritorial Health Officials;*

9 “(5) *the American National Standards*
10 *Institute;*

11 “(6) *the National Institute of Justice;*

12 “(7) *the Inter-Agency Board for Equip-*
13 *ment Standardization and Interoper-*
14 *ability;*

15 “(8) *the National Public Health Per-*
16 *formance Standards Program;*

17 “(9) *the National Institute for Occupa-*
18 *tional Safety and Health;*

19 “(10) *ASTM International;*

20 “(11) *the International Safety Equip-*
21 *ment Association; and*

22 “(12) *to the extent the Secretary con-*
23 *siders appropriate, other national vol-*
24 *untary consensus standards development*
25 *organizations, other interested Federal,*

1 *State, and local agencies, and other inter-*
2 *ested persons.*

3 *“(d) COORDINATION WITH SECRETARY OF*
4 *HHS.—In establishing any national voluntary*
5 *consensus standards under this section for*
6 *first responder equipment or training that in-*
7 *volve or relate to public health professionals,*
8 *including emergency medical professionals,*
9 *the Secretary shall coordinate activities under*
10 *this section with the Secretary of Health and*
11 *Human Services.*

12 *“SEC. 1806. DEFINITIONS.*

13 *“In this title:*

14 *“(1) BOARD.—The term ‘Board’ means*
15 *the First Responder Grants Board estab-*
16 *lished under section 1803(f).*

17 *“(2) COVERED GRANT.—The term ‘cov-*
18 *ered grant’ means any grant to which this*
19 *title applies under section 1801.*

20 *“(3) ELEVATIONS IN THE THREAT ALERT*
21 *LEVEL.—The term ‘elevations in the threat*
22 *alert level’ means any designation (in-*
23 *cluding those that are less than national*
24 *in scope) that raises the homeland secu-*
25 *rity threat level to either the highest or*

1 *second highest threat level under the*
2 *Homeland Security Advisory System re-*
3 *ferred to in section 201(d)(7).*

4 “(4) *ESSENTIAL CAPABILITIES.—The*
5 *term ‘essential capabilities’ means the lev-*
6 *els, availability, and competence of emer-*
7 *gency personnel, planning, training, and*
8 *equipment across a variety of disciplines*
9 *needed to effectively and efficiently pre-*
10 *vent, prepare for, and respond to acts of*
11 *terrorism consistent with established*
12 *practices.*

13 “(5) *REGION.—The term ‘region’*
14 *means—*

15 “(A) *any geographic area con-*
16 *sisting of all or parts of 2 or more con-*
17 *tiguous States, counties, municipali-*
18 *ties, or other local governments that*
19 *have a combined population of at*
20 *least 1,650,000 or have an area of not*
21 *less than 20,000 square miles, and*
22 *that, for purposes of an application*
23 *for a covered grant, is represented by*
24 *1 or more governments or govern-*
25 *mental agencies within such geo-*

1 *graphic area, and that is established*
2 *by law or by agreement of 2 or more*
3 *such governments or governmental*
4 *agencies in a mutual aid agreement;*
5 *or*

6 *“(B) any other combination of con-*
7 *tiguous local government units (in-*
8 *cluding such a combination estab-*
9 *lished by law or agreement of two or*
10 *more governments or governmental*
11 *agencies in a mutual aid agreement)*
12 *that is formally certified by the Sec-*
13 *retary as a region for purposes of this*
14 *Act with the consent of—*

15 *“(i) the State or States in*
16 *which they are located, including*
17 *a multi-State entity established by*
18 *a compact between two or more*
19 *States; and*

20 *“(ii) the incorporated munici-*
21 *palities, counties, and parishes*
22 *which they encompass.*

23 *“(6) FIRST RESPONDER.—The term ‘first*
24 *responder’ shall have the same meaning*

1 *as the term ‘emergency response pro-*
2 *vider’.*”.

3 **(b) DEFINITION OF EMERGENCY RESPONSE**
4 **PROVIDERS.—***Paragraph (6) of section 2 of the*
5 *Homeland Security Act of 2002 (Public Law*
6 *107–296; 6 U.S.C. 101(6)) is amended by strik-*
7 *ing “includes” and all that follows and insert-*
8 *ing “includes Federal, State, and local govern-*
9 *mental and nongovernmental emergency pub-*
10 *lic safety, law enforcement, fire, emergency re-*
11 *sponse, emergency medical (including hospital*
12 *emergency facilities), and related personnel,*
13 *organizations, agencies, and authorities.”.*

14 **(c) TEMPORARY LIMITATION ON APPLICA-**
15 **TION.—***The following provisions of title XVIII*
16 *of the Homeland Security Act of 2002, as*
17 *amended by subsection (a), shall not apply*
18 *during the 2-year period beginning on the date*
19 *of the enactment of this Act:*

20 **(1) Subsections (b), (c), (e) (except**
21 **paragraph (5) of such subsection), and**
22 **(f)(3)(B) of section 1803.**

23 **(2) Subparagraphs (D) and (E) of sec-**
24 **tion 1804(e)(4).**

25 **(3) Section 1804(g)(3).**

1 *SEC. 4. MODIFICATION OF HOMELAND SECURITY ADVISORY*
2 *SYSTEM.*

3 *(a) IN GENERAL.—Subtitle A of title II of the*
4 *Homeland Security Act of 2002 (Public Law*
5 *107–296; 6 U.S.C. 121 et seq.) is amended by*
6 *adding at the end the following:*

7 *“SEC. 203. HOMELAND SECURITY ADVISORY SYSTEM.*

8 *“(a) IN GENERAL.—The Secretary shall re-*
9 *vise the Homeland Security Advisory System*
10 *referred to in section 201(d)(7) to require that*
11 *any designation of a threat level or other*
12 *warning shall be accompanied by a designa-*
13 *tion of the geographic regions or economic sec-*
14 *tors to which the designation applies.*

15 *“(b) REPORTS.—The Secretary shall report*
16 *to the Congress annually by not later than De-*
17 *cember 31 each year regarding the geographic*
18 *region-specific warnings and economic sector-*
19 *specific warnings issued during the preceding*
20 *fiscal year under the Homeland Security Advi-*
21 *sory System referred to in section 201(d)(7),*
22 *and the bases for such warnings. The report*
23 *shall be submitted in unclassified form and*
24 *may, as necessary, include a classified*
25 *annex.”.*

1 ***(b) CLERICAL AMENDMENT.—The table of***
2 ***contents in section 1(b) of the Homeland Secu-***
3 ***rity Act of 2002 (6 U.S.C. 101 et seq.) is amend-***
4 ***ed by inserting after the item relating to sec-***
5 ***tion 202 the following:***

“203. Homeland Security Advisory System.”.

6 ***SEC. 5. COORDINATION OF INDUSTRY EFFORTS.***

7 ***Section 102(f) of the Homeland Security***
8 ***Act of 2002 (Public Law 107–296; 6 U.S.C.***
9 ***112(f)) is amended by striking “and” after the***
10 ***semicolon at the end of paragraph (6), by***
11 ***striking the period at the end of paragraph (7)***
12 ***and inserting “; and”, and by adding at the***
13 ***end the following:***

14 ***“(8) coordinating industry efforts,***
15 ***with respect to functions of the Depart-***
16 ***ment of Homeland Security, to identify***
17 ***private sector resources and capabilities***
18 ***that could be effective in supplementing***
19 ***Federal, State, and local government***
20 ***agency efforts to prevent or respond to a***
21 ***terrorist attack.”.***

22 ***SEC. 6. SUPERSEDED PROVISION.***

23 ***This Act supersedes section 1014 of Public***
24 ***Law 107–56.***

1 **SEC. 7. SENSE OF CONGRESS REGARDING INTEROPERABLE**
2 **COMMUNICATIONS.**

3 **(a) FINDING.—The Congress finds that—**

4 **(1) many first responders working in**
5 **the same jurisdiction or in different juris-**
6 **dictions cannot effectively and efficiently**
7 **communicate with one another; and**

8 **(2) their inability to do so threatens**
9 **the public's safety and may result in un-**
10 **necessary loss of lives and property.**

11 **(b) SENSE OF CONGRESS.—It is the sense of**
12 **the Congress that interoperable emergency**
13 **communications systems and radios should**
14 **continue to be deployed as soon as practicable**
15 **for use by the first responder community, and**
16 **that upgraded and new digital communica-**
17 **tions systems and new digital radios must**
18 **meet prevailing national, voluntary consensus**
19 **standards for interoperability.**

20 **SEC. 8. SENSE OF CONGRESS REGARDING CITIZEN CORPS**
21 **COUNCILS.**

22 **(a) FINDING.—The Congress finds that Cit-**
23 **izen Corps councils help to enhance local cit-**
24 **izen participation in terrorism preparedness**
25 **by coordinating multiple Citizen Corps pro-**
26 **grams, developing community action plans,**

1 *assessing possible threats, and identifying*
2 *local resources.*

3 **(b) SENSE OF CONGRESS.**—*It is the sense of*
4 *the Congress that individual Citizen Corps*
5 *councils should seek to enhance the prepared-*
6 *ness and response capabilities of all organiza-*
7 *tions participating in the councils, including*
8 *by providing funding to as many of their par-*
9 *ticipating organizations as practicable to pro-*
10 *mote local terrorism preparedness programs.*

11 **SEC. 9. STUDY REGARDING NATIONWIDE EMERGENCY NO-**
12 **TIFICATION SYSTEM.**

13 **(a) STUDY.**—*The Secretary of Homeland Se-*
14 *curity, in consultation with the heads of other*
15 *appropriate Federal agencies and representa-*
16 *tives of providers and participants in the tele-*
17 *communications industry, shall conduct a*
18 *study to determine whether it is cost-effective,*
19 *efficient, or feasible to establish and imple-*
20 *ment an emergency telephonic alert notifica-*
21 *tion system that will—*

22 **(1)** *alert persons in the United States*
23 *of imminent or current hazardous events*
24 *caused by acts of terrorism; and*

1 ***(2) provide information to individuals***
2 ***regarding appropriate measures that may***
3 ***be undertaken to alleviate or minimize***
4 ***threats to their safety and welfare posed***
5 ***by such events.***

6 ***(b) TECHNOLOGIES TO CONSIDER.—In con-***
7 ***ducting the study, the Secretary shall consider***
8 ***the use of the telephone, wireless communica-***
9 ***tions, and other existing communications net-***
10 ***works to provide such notification.***

11 ***(c) REPORT.—Not later than 9 months after***
12 ***the date of the enactment of this Act, the Sec-***
13 ***retary shall submit to the Congress a report re-***
14 ***garding the conclusions of the study.***

15 ***SEC. 10. AUTHORIZATION OF APPROPRIATIONS.***

16 ***(a) IN GENERAL.—For the purpose of mak-***
17 ***ing covered grants (as that term is defined in***
18 ***section 1806 of the Homeland Security Act of***
19 ***2002, as amended by this Act), there is author-***
20 ***ized to be appropriated to the Secretary of***
21 ***Homeland Security \$3,400,000,000 for fiscal***
22 ***year 2006.***

23 ***(b) METROPOLITAN MEDICAL RESPONSE SYS-***
24 ***TEM.—In addition to the purpose specified in***
25 ***subsection (a), the authorization of appropria-***

1 *tions in subsection (a) may be used for the Met-*
2 *ropolitan Medical Response System.*

3 SECTION 1. SHORT TITLE.

4 **This Act may be cited as the “Faster and**
5 **Smarter Funding for First Responders Act of**
6 **2004”.**

7 SEC. 2. FINDINGS.

8 **Congress finds the following:**

9 **(1) The first responsibility of govern-**
10 **ments at all levels is to protect the lives**
11 **and property of their citizens.**

12 **(2) In order to achieve its objective of**
13 **minimizing the damage, and assisting in**
14 **the recovery, from major disasters and**
15 **emergencies, including those caused by**
16 **terrorist attacks, the Department of**
17 **Homeland Security must play a leading**
18 **role in assisting communities to reach**
19 **the level of preparedness they need to re-**
20 **spond to a major disaster or emergency.**

21 **(3) An all-hazards preparedness pro-**
22 **gram encourages governments at all lev-**
23 **els to develop flexible and consistent**
24 **plans to prevent, prepare for, mitigate**
25 **against, respond to, and recover from**

1 major disasters and emergencies, includ-
2 ing those caused by terrorist attacks.

3 (4) Since 1979, the United States has
4 developed a preparedness system that
5 has enabled the Nation to effectively ad-
6 dress all disasters it has thus far faced.

7 (5) The United States must build
8 upon this foundation to better address
9 acts of terrorism, particularly those in-
10 volving weapons of mass destruction,
11 without degrading the ability to face
12 other types of disasters.

13 (6) The Nation's first response capa-
14 bilities will be improved by sharing re-
15 sources, training, planning, personnel,
16 and equipment among neighboring juris-
17 dictions through mutual aid agreements
18 and regional cooperation.

19 (7) Securing Indian reservations and
20 tribal lands is an important part of the
21 overall goal of securing the American
22 homeland. Tribal governments should be
23 encouraged to meet the same national
24 goals for preparedness as State and local
25 governments, and should be fully in-

1 cluded in State and regional prepared-
2 ness plans. In order to achieve this goal,
3 Indian tribes should have an opportunity
4 to work and coordinate with States for
5 the purposes of preparedness and fund-
6 ing.

7 (8) An essential prerequisite to
8 achieving the Nation's homeland security
9 objectives for first responders is the es-
10 tablishment of a well-defined national
11 preparedness goal. This goal should de-
12 lineate the essential capabilities that
13 every jurisdiction in the United States
14 should possess or to which it should have
15 access.

16 (9) A national determination of essen-
17 tial capabilities is needed to identify lev-
18 els of State and local government pre-
19 paredness, to determine the nature and
20 extent of State and local first responder
21 needs, to identify the human and finan-
22 cial resources required to fulfill them,
23 and to direct funding to meet those needs
24 and to measure preparedness levels on a
25 national scale.

1 **(10) Terrorists by their nature are un-**
2 **predictable, and therefore the Federal**
3 **Government should support a strategy**
4 **that provides a basic level of prepared-**
5 **ness to all States.**

6 **(11) Private sector resources and cit-**
7 **izen volunteers can perform critical func-**
8 **tions in assisting in preventing and re-**
9 **sponding to major disasters and emer-**
10 **gencies, including those caused by ter-**
11 **rorist attacks, and should be integrated**
12 **into State and local planning efforts to**
13 **ensure that their capabilities and roles**
14 **are understood, so as to provide en-**
15 **hanced State and local operational capa-**
16 **bility and surge capacity.**

17 **(12) An important component of na-**
18 **tional standards is measurability, so that**
19 **it is possible to determine how prepared**
20 **a State or local government is now, and**
21 **what additional steps it needs to take, in**
22 **order to respond to major disasters and**
23 **emergencies, including those caused by**
24 **terrorist attacks.**

1 **(13) The Department of Homeland Se-**
2 **curity should establish, publish, and reg-**
3 **ularly update national voluntary con-**
4 **sensus standards for both equipment and**
5 **training, in cooperation with both public**
6 **and private sector standard setting orga-**
7 **nizations, to assist State and local gov-**
8 **ernments in obtaining the equipment and**
9 **training needed to attain the essential ca-**
10 **pabilities for first response to major dis-**
11 **asters and emergencies, including those**
12 **caused by terrorist attacks, and to ensure**
13 **that first responder funds are spent wise-**
14 **ly.**

15 **SEC. 3. DEFINITIONS.**

16 **(a) DEFINITION OF MAJOR DISASTER.—Sec-**
17 **tion 102(2) of the Robert T. Stafford Disaster**
18 **Relief and Emergency Assistance Act (42**
19 **U.S.C. 5122(2)) is amended to read as follows:**

20 **“(2) MAJOR DISASTER.—The term**
21 **‘major disaster’ means any natural catas-**
22 **trophe (including any hurricane, tornado,**
23 **storm, high water, winddriven water,**
24 **tidal wave, tsunami, earthquake, volcanic**
25 **eruption, landslide, mudslide, snowstorm,**

1 or drought), or, regardless of cause, any
2 fire, flood, explosion, act of terrorism, or
3 other catastrophic event in any part of
4 the United States, which in the deter-
5 mination of the President causes damage
6 of sufficient severity and magnitude to
7 warrant major disaster assistance under
8 this Act to supplement the efforts and
9 available resources of States, local gov-
10 ernments, and disaster relief organiza-
11 tions in alleviating the damage, loss,
12 hardship, or suffering caused thereby.”.

13 (b) **DEFINITION OF EMERGENCY RESPONSE**
14 **PROVIDERS.**—Section 2(6) of the Homeland Se-
15 curity Act of 2002 (Public Law 107–296; 6
16 U.S.C. 101(6)) is amended by inserting “fire,”
17 after “law enforcement,”.

18 **SEC. 4. NATIONAL PREPAREDNESS AND FUNDING FOR**
19 **FIRST RESPONDERS.**

20 (a) **IN GENERAL.**—The Robert T. Stafford
21 Disaster Relief and Emergency Assistance Act
22 (42 U.S.C. 5121 et seq.) is amended—

23 (1) by redesignating title VII as title
24 **VIII;**

1 (2) by redesignating sections 701
2 through 705 as sections 801 through 805,
3 respectively; and

4 (3) by inserting after title VI the fol-
5 lowing:

6 **“TITLE VII—NATIONAL PRE-**
7 **PAREDNESS AND FUNDING**
8 **FOR FIRST RESPONDERS**

9 **“SEC. 701. PURPOSES.**

10 **“The purposes of this title are—**

11 **“(1) to prepare the United States to**
12 **prevent, mitigate, respond to, and re-**
13 **cover from major disasters and emer-**
14 **gencies, including those caused by ter-**
15 **rorist attacks;**

16 **“(2) to ensure federally funded pre-**
17 **paredness efforts are consistent with an**
18 **all-hazards preparedness strategy;**

19 **“(3) to ensure effective coordination**
20 **of Federal preparedness efforts; and**

21 **“(4) to provide preparedness assist-**
22 **ance to State and local authorities in a**
23 **timely manner and provide for account-**
24 **ability with respect to the use of such as-**
25 **sistance.**

1 **“SEC. 702. DEFINITIONS.**

2 **“In this title, the following definitions**
3 **apply:**

4 **“(1) COVERED GRANT.—The term ‘cov-**
5 **ered grant’ means a grant referred to in**
6 **section 731.**

7 **“(2) DEPARTMENT.—The term ‘Depart-**
8 **ment’ means the Department of Home-**
9 **land Security.**

10 **“(3) ELEVATIONS IN THE THREAT ALERT**
11 **LEVEL.—The term ‘elevations in the threat**
12 **alert level’ means any designation (in-**
13 **cluding those that are less than national**
14 **in scope) that raises the homeland secu-**
15 **rity threat level to either the highest or**
16 **second highest threat level under the**
17 **Homeland Security Advisory System re-**
18 **ferred to in section 201(d)(7) of the Home-**
19 **land Security Act of 2002 (6 U.S.C.**
20 **121(d)(7)).**

21 **“(4) ESSENTIAL CAPABILITIES.—The**
22 **term ‘essential capabilities’ means the**
23 **levels, availability, and competence of**
24 **emergency personnel, planning, training,**
25 **and equipment across a variety of dis-**
26 **ciplines needed to effectively and effi-**

1 ciently prevent, prepare for, and respond
2 to major disasters and emergencies, in-
3 cluding those caused by terrorist attacks,
4 consistent with established practices.

5 “(5) FIRST RESPONDER.—The term ‘first
6 responder’ has the meaning such term
7 has under section 2(6) of the Homeland
8 Security Act of 2002 (Public Law 107–296;
9 6 U.S.C. 101(6)).

10 “(6) HAZARD.—The term ‘hazard’
11 means an emergency or disaster resulting
12 from—

13 “(A) a natural disaster; or

14 “(B) an accidental or man-caused
15 event, including a domestic terrorist
16 attack.

17 “(7) NATIONAL PREPAREDNESS GOAL.—
18 The term ‘national preparedness goal’
19 means the national domestic all-hazards
20 preparedness goal developed under sec-
21 tion 711.

22 “(8) PREVENTION.—The term ‘preven-
23 tion’ means activities undertaken by the
24 first responder community during the
25 early stages of an incident to reduce the

1 likelihood or consequences of threatened
2 or actual terrorist attacks. The term does
3 not include more general and broader ef-
4 forts to deter, disrupt, or thwart ter-
5 rorism.

6 “(9) SECRETARY.—The term ‘Secretary’
7 means the Secretary of Homeland Secu-
8 rity.

9 “(10) STATEWIDE PREPAREDNESS STRAT-
10 EGY.—The term ‘statewide preparedness
11 strategy’ means a statewide comprehen-
12 sive all-hazards preparedness strategy
13 prepared under section 714.

14 “(11) WEAPON OF MASS DESTRUCTION.—
15 The term ‘weapon of mass destruction’
16 has the meaning such term has under
17 section 1403 of the Defense Against Weap-
18 ons of Mass Destruction Act of 1996 (50
19 U.S.C. 2302).

20 **“Subtitle A—Preparedness Goals,**
21 **Essential Capabilities, Stand-**
22 **ards, and Strategies**

23 **“SEC. 711. NATIONAL PREPAREDNESS GOAL.**

24 **“(a) DEVELOPMENT.—To help ensure the**
25 **preparedness of the Nation to prevent, re-**

1 spond to, and recover from major disasters
2 and emergencies, including those caused by
3 terrorist attacks, the Secretary, in coordina-
4 tion with the heads of other appropriate Fed-
5 eral departments and agencies and in con-
6 sultation with State and local governments,
7 shall develop a national domestic all-hazards
8 preparedness goal not later than February 28,
9 2005.

10 “(b) ELEMENTS.—

11 “(1) READINESS PRIORITIES AND TAR-
12 GETS.—The national preparedness goal
13 shall establish measurable readiness pri-
14 orities and targets that appropriately bal-
15 ance the potential threat and magnitude
16 of major disasters and emergencies, in-
17 cluding those caused by terrorist attacks,
18 with the resources required to prevent,
19 respond to, and recover from such disas-
20 ters and emergencies.

21 “(2) READINESS METRICS AND MEASURES;
22 ASSESSMENT SYSTEM.—The national pre-
23 paredness goal shall include—

24 “(A) readiness metrics and meas-
25 ures, including standards for pre-

1 **paredness assessments and strategies;**
2 **and**

3 **“(B) a system for assessing the**
4 **Nation’s overall preparedness to re-**
5 **spond to major disasters and emer-**
6 **gencies, including those caused by**
7 **terrorist attacks.**

8 **“(3) NATIONAL RESPONSE PLAN AND NA-**
9 **TIONAL INCIDENT MANAGEMENT SYSTEM.—**
10 **The national preparedness goal, to the**
11 **greatest extent practicable, shall be con-**
12 **sistent with the National Response Plan**
13 **and National Incident Management Sys-**
14 **tem.**

15 **“(c) ACTIVITIES OF FEDERAL DEPARTMENTS**
16 **AND AGENCIES.—Federal departments and**
17 **agencies shall work to achieve the national**
18 **preparedness goal by—**

19 **“(1) providing for effective, efficient,**
20 **and timely delivery of Federal prepared-**
21 **ness assistance to State and local govern-**
22 **ments; and**

23 **“(2) supporting efforts to ensure first**
24 **responders are prepared to respond to**

1 **major disasters and emergencies, includ-**
2 **ing those caused by terrorist attacks.**

3 **“SEC. 712. ESSENTIAL CAPABILITIES FOR FIRST RESPOND-**
4 **ERS.**

5 **“(a) ESTABLISHMENT OF GUIDANCE ON ES-**
6 **SENTIAL CAPABILITIES.—**

7 **“(1) IN GENERAL.—Not later than Feb-**
8 **ruary 28, 2005, the Secretary shall estab-**
9 **lish guidance that clearly defines the es-**
10 **sential capabilities for State and local**
11 **government preparedness for major dis-**
12 **asters and emergencies, including those**
13 **caused by terrorist attacks.**

14 **“(2) PROVISION OF ESSENTIAL CAPABILI-**
15 **TIES.—The Secretary shall ensure that the**
16 **guidance is provided promptly to the**
17 **States and to Congress. The States shall**
18 **make the guidance available as necessary**
19 **and appropriate to local governments**
20 **within their jurisdictions.**

21 **“(b) OBJECTIVES.—The Secretary shall en-**
22 **sure that the guidance established under sub-**
23 **section (a)(1) meets the following objectives:**

24 **“(1) SPECIFICITY.—The guidance spe-**
25 **cifically shall describe the training, plan-**

1 ning, personnel, and equipment that dif-
2 ferent types of communities in the Nation
3 should possess, or to which they should
4 have access, in order to meet the Depart-
5 ment’s national preparedness goals.

6 “(2) FLEXIBILITY.—The guidance shall
7 be sufficiently flexible to allow State and
8 local government officials to set priorities
9 based on particular needs, while achiev-
10 ing nationally determined preparedness
11 levels within a specified time period.

12 “(3) MEASURABILITY.—The guidance
13 shall be designed to enable measurement
14 of progress towards specific prepared-
15 ness levels.

16 “(c) THREATS TO BE CONSIDERED.—

17 “(1) IN GENERAL.—In establishing the
18 guidance under subsection (a)(1), the Sec-
19 retary specifically shall consider the vari-
20 ables of risk, threat, vulnerability, and
21 consequences with respect to the Nation’s
22 population (including transient com-
23 muting and tourist populations) and crit-
24 ical infrastructure.

1 **“(2) CRITICAL INFRASTRUCTURE SEC-**
2 **TORS.—In carrying out paragraph (1), the**
3 **Secretary specifically shall consider risks**
4 **to the following critical infrastructure**
5 **sectors in all areas of the Nation, urban**
6 **and rural:**

7 **“(A) Agriculture.**

8 **“(B) Banking and finance.**

9 **“(C) Chemical industries.**

10 **“(D) The defense industrial base.**

11 **“(E) Emergency services.**

12 **“(F) Energy.**

13 **“(G) Food.**

14 **“(H) Government.**

15 **“(I) Information and tele-**
16 **communications networks.**

17 **“(J) Postal and shipping.**

18 **“(K) Public health.**

19 **“(L) Transportation.**

20 **“(M) Water.**

21 **“(3) CONSIDERATION OF ADDITIONAL**
22 **THREATS.—In carrying out paragraph (1),**
23 **the Secretary shall take into account any**
24 **other specific threat to a population (in-**
25 **cluding a transient commuting or tourist**

1 **population) or critical infrastructure sec-**
2 **tor that the Secretary has determined to**
3 **exist.**

4 **“SEC. 713. NATIONAL STANDARDS FOR FIRST RESPONDER**
5 **EQUIPMENT AND TRAINING.**

6 **“(a) EQUIPMENT STANDARDS.—**

7 **“(1) IN GENERAL.—The Secretary shall**
8 **develop, promulgate, and update as nec-**
9 **essary national voluntary consensus**
10 **standards for first responder equipment**
11 **intended for use in the field. Such stand-**
12 **ards—**

13 **“(A) shall support nationwide**
14 **interoperability and other capabili-**
15 **ties consistent with the national pre-**
16 **paredness goal, including the safety**
17 **and health of first responders;**

18 **“(B) shall be, to the maximum ex-**
19 **tent practicable, consistent with any**
20 **existing voluntary consensus stand-**
21 **ards;**

22 **“(C) shall, to the maximum extent**
23 **practicable, utilize technologies al-**
24 **ready certified by other departments**
25 **and agencies of the United States;**

1 “(D) shall take into account, as
2 appropriate, threats that may not
3 have been contemplated when such
4 existing standards were developed;
5 and

6 “(E) shall be focused on maxi-
7 mizing interoperability, interchange-
8 ability, durability, flexibility, effi-
9 ciency, efficacy, portability, sustain-
10 ability, and safety.

11 “(2) REQUIRED CATEGORIES.—In car-
12 rying out paragraph (1), the Secretary
13 shall specifically consider the following
14 categories of first responder equipment:

15 “(A) Thermal imaging equipment.

16 “(B) Radiation detection and anal-
17 ysis equipment.

18 “(C) Biological detection and
19 analysis equipment.

20 “(D) Chemical detection and anal-
21 ysis equipment.

22 “(E) Decontamination and steri-
23 lization equipment.

24 “(F) Personal protective equip-
25 ment, including garments, boots,

1 gloves, and hoods and other protec-
2 tive clothing.

3 “(G) Respiratory protection
4 equipment.

5 “(H) Interoperable communica-
6 tions, including wireless and wireline
7 voice, video, and data networks.

8 “(I) Explosive mitigation devices
9 and explosive detection and analysis
10 equipment.

11 “(J) Containment vessels.

12 “(K) Contaminant-resistant vehi-
13 cles.

14 “(L) Such other equipment for
15 which the Secretary determines that
16 national voluntary consensus stand-
17 ards would be appropriate.

18 “(3) DEADLINE.—The Secretary shall
19 promulgate initial standards under this
20 subsection not later than September 30,
21 2005.

22 “(b) TRAINING STANDARDS.—

23 “(1) IN GENERAL.—The Secretary shall
24 support the development of, promulgate,
25 and regularly update as necessary na-

1 **tional voluntary consensus standards for**
2 **first responder training carried out with**
3 **amounts provided under covered grant**
4 **programs that will enable State and local**
5 **government first responders to achieve**
6 **optimal levels of preparedness as quickly**
7 **as practicable. Such standards shall give**
8 **priority to providing training in those**
9 **areas where the Secretary has identified**
10 **significant need, including training—**

11 **“(A) to prevent, prepare for, re-**
12 **spond to, and mitigate threats from**
13 **chemical, biological, and radiological**
14 **materials and explosive devices capa-**
15 **ble of inflicting significant human**
16 **casualties; and**

17 **“(B) to familiarize first respond-**
18 **ers with the proper use of equipment,**
19 **including software, developed pursu-**
20 **ant to the standards established**
21 **under subsection (a).**

22 **“(2) REQUIRED CATEGORIES.—In car-**
23 **rying out paragraph (1), the Secretary**
24 **specifically shall include the following**
25 **categories of first responder activities:**

1 **“(A) Regional planning.**

2 **“(B) Joint exercises.**

3 **“(C) Intelligence collection, anal-**
4 **ysis, and sharing.**

5 **“(D) Emergency notification of af-**
6 **ected populations.**

7 **“(E) Detection of biological, nu-**
8 **clear, radiological, and chemical**
9 **weapons of mass destruction.**

10 **“(F) Such other activities for**
11 **which the Secretary determines that**
12 **national voluntary consensus train-**
13 **ing standards would be appropriate.**

14 **“(3) DEADLINE.—The Secretary shall**
15 **promulgate initial standards under this**
16 **subsection not later than September 30,**
17 **2005.**

18 **“(c) CONSULTATION WITH STANDARDS ORGA-**
19 **NIZATIONS.—In establishing national voluntary**
20 **consensus standards for first responder**
21 **equipment and training under this section,**
22 **the Secretary shall consult with relevant pub-**
23 **lic and private sector groups.**

1 **“SEC. 714. STATEWIDE PREPAREDNESS STRATEGIES.**

2 **“As a condition for receipt of a covered**
3 **grant under subtitle B after September 30,**
4 **2005, the Secretary shall require that a State**
5 **develop a statewide comprehensive all-haz-**
6 **ards preparedness strategy that—**

7 **“(1) is consistent with the national**
8 **preparedness goal and, as necessary, the**
9 **State response plan;**

10 **“(2) demonstrates the extent to which**
11 **the State has achieved the essential capa-**
12 **bilities that apply to the State;**

13 **“(3) demonstrates the additional**
14 **needs of the State necessary to achieve**
15 **the essential capabilities that apply to**
16 **the State;**

17 **“(4) includes a prioritization of such**
18 **additional needs based on risk, threat,**
19 **vulnerability, and consequence assess-**
20 **ment factors applicable to the State;**

21 **“(5) describes how the State intends—**

22 **“(A) to address such additional**
23 **needs at the city, county, tribal, re-**
24 **gional, State, and interstate level;**

25 **“(B) to use all Federal, State, and**
26 **local resources available for the pur-**

1 pose of addressing such additional
2 needs; and

3 “(C) to give particular emphasis
4 to regional planning and cooperation,
5 including the activities of multi-juris-
6 dictional planning agencies governed
7 by local officials, both within its juris-
8 dictional borders and with neigh-
9 boring States; and

10 “(6) is developed in consultation with
11 and subject to appropriate comment by
12 local, regional, and tribal governments
13 within the State.

14 **“Subtitle B—Grant Programs**

15 “SEC. 731. COVERED GRANTS.

16 “Under this subtitle, a covered grant is
17 any grant under the following:

18 “(1) STATE HOMELAND SECURITY GRANT
19 PROGRAM.—The State Homeland Security
20 Grant Program of the Department or any
21 successor to such grant program.

22 “(2) URBAN AREA SECURITY INITIATIVE.—
23 The Urban Area Security Initiative of the
24 Department or any successor to such
25 grant program.

1 **“SEC. 732. AWARD OF COVERED GRANTS.**

2 **“(a) GRANT ELIGIBILITY.—Beginning in fis-**
3 **cal year 2006, any State shall be eligible to**
4 **apply for a covered grant.**

5 **“(b) GRANT CRITERIA.—In awarding cov-**
6 **ered grants, the Secretary shall carry out the**
7 **national preparedness goal and assist State,**
8 **tribal, and local governments in achieving es-**
9 **sential capabilities for first responders in ac-**
10 **cordance with the guidance developed under**
11 **section 712.**

12 **“(c) APPLICATION FOR GRANT.—**

13 **“(1) IN GENERAL.—A State may apply**
14 **for a covered grant by submitting to the**
15 **Secretary an application at such time, in**
16 **such manner, and containing such infor-**
17 **mation as is required under this sub-**
18 **section or as the Secretary may reason-**
19 **ably require.**

20 **“(2) MINIMUM CONTENTS OF APPLICA-**
21 **TION.—The Secretary shall require that**
22 **each State include in its application, at a**
23 **minimum—**

24 **“(A) a statewide preparedness**
25 **strategy that has been approved by**
26 **the Secretary;**

1 **“(B) a description of the purpose**
2 **for which the State seeks covered**
3 **grant funds and the reasons why the**
4 **State needs the covered grant to meet**
5 **the essential capabilities for pre-**
6 **paredness within the State;**

7 **“(C) a description of how, by ref-**
8 **erence to the State’s statewide pre-**
9 **paredness strategy, the allocation of**
10 **grant funding proposed in the appli-**
11 **cation, including, where applicable,**
12 **the amount not passed through under**
13 **section 733(e)(1), would assist in ful-**
14 **filling the essential capabilities speci-**
15 **fied in such strategy;**

16 **“(D) a statement of whether a mu-**
17 **tual aid agreement applies to the use**
18 **of all or any portion of the covered**
19 **grant funds;**

20 **“(E) a capital budget showing**
21 **how the State intends to allocate and**
22 **expend the covered grant funds; and**

23 **“(F) a statement of how the State**
24 **intends to meet the matching require-**

1 ment, if any, that applies under sec-
2 tion 733(e)(2).

3 “(3) CONSISTENCY WITH STATE PLANS.—

4 The Secretary shall ensure that each cov-
5 ered grant is used to supplement and
6 support, in a consistent and coordinated
7 manner, the applicable statewide pre-
8 paredness strategy.

9 “(4) EQUIPMENT STANDARDS.—If a State
10 proposes to upgrade or purchase, with
11 assistance provided under a covered
12 grant, new equipment or systems that do
13 not meet or exceed any applicable na-
14 tional voluntary consensus standard es-
15 tablished by the Secretary under section
16 713(a), the State shall include in the ap-
17 plication an explanation of why such
18 equipment or systems will serve the
19 needs of the State better than equipment
20 or systems that meet or exceed such
21 standards.

22 “(d) DEADLINE FOR AWARD.—The Secretary
23 shall make final determinations concerning
24 the amount to be awarded to each State in
25 covered grants for a fiscal year and award the

1 grants as soon as practicable, but not later
2 than June 30 of the fiscal year.

3 “(e) ALLOCATION.—

4 “(1) MINIMUM AMOUNTS.—Of the total
5 amount made available for covered
6 grants for a fiscal year, the Secretary
7 shall award—

8 “(A) to each State (other than a
9 State referred to in subparagraph
10 (B)) not less than 0.55 percent; and

11 “(B) to each of the United States
12 Virgin Islands, Guam, American
13 Samoa, and the Commonwealth of the
14 Northern Mariana Islands not less
15 than 0.18 percent.

16 “(2) ALLOCATION OF REMAINING
17 AMOUNTS.—In allocating amounts that re-
18 main available for covered grants for a
19 fiscal year after setting aside amounts re-
20 quired under paragraph (1), the Sec-
21 retary shall prioritize applications based
22 on the degree to which a grant to a State
23 will—

24 “(A) lessen the risk, threat, vul-
25 nerability, and consequences of a

1 major disaster or emergency, includ-
2 ing those caused by terrorist attacks,
3 to persons and critical infrastructure;
4 and

5 “(B) enhance or achieve the es-
6 sential capabilities of first responders
7 in the State in accordance with the
8 guidance developed under section
9 712.

10 “(3) BASIS OF ALLOCATIONS.—

11 “(A) PUBLICATION.—The Secretary
12 shall publish annually the basis on
13 which funds are awarded under para-
14 graph (2).

15 “(B) LIMITATION ON STATUTORY
16 CONSTRUCTION.—Nothing in this para-
17 graph shall be construed as requiring
18 the Secretary to disclose any classi-
19 fied information or other sensitive in-
20 formation.

21 “SEC. 733. USE OF FUNDS AND ACCOUNTABILITY REQUIRE-
22 MENTS.

23 “(a) IN GENERAL.—A covered grant may be
24 used for—

1 **“(1) purchasing commercially avail-**
2 **able equipment that complies with,**
3 **where applicable, national voluntary con-**
4 **sensus standards, and that facilitates**
5 **interoperability, coordination, and inte-**
6 **gration between emergency communica-**
7 **tions systems, including—**

8 **“(A) mobile vehicles that contain**
9 **equipment such as commercial tele-**
10 **phone trunk lines, VHF and UHF ra-**
11 **dios, patch panels, and crosspatches,**
12 **among other technologies and equip-**
13 **ment; and**

14 **“(B) communications system over-**
15 **lay software and hardware that allow**
16 **multiple disparate communications**
17 **networks to act as one network;**

18 **“(2) purchasing or upgrading equip-**
19 **ment, including computer software, to en-**
20 **hance preparedness and response;**

21 **“(3) conducting exercises to strength-**
22 **en preparedness and response;**

23 **“(4) training, including training for**
24 **prevention or detection of, preparedness**
25 **for, or response to attacks involving**

1 **weapons of mass destruction, including**
2 **training in the use of equipment and**
3 **computer software;**

4 **“(5) developing or updating response**
5 **plans;**

6 **“(6) establishing or enhancing mecha-**
7 **nisms for sharing terrorism threat infor-**
8 **mation;**

9 **“(7) developing systems architecture**
10 **and engineering, program planning and**
11 **management, strategy formulation and**
12 **strategic planning, life-cycle systems de-**
13 **sign, product and technology evaluation,**
14 **and prototype development for prepared-**
15 **ness and response purposes;**

16 **“(8) paying the additional personnel**
17 **costs resulting from—**

18 **“(A) elevations in the threat alert**
19 **level of the Homeland Security Advi-**
20 **sory System;**

21 **“(B) travel to and participation in**
22 **exercises and training in the use of**
23 **equipment and on prevention activi-**
24 **ties; and**

1 “(C) the temporary replacement
2 of personnel during any period of
3 travel to and participation in exer-
4 cises and training in the use of equip-
5 ment and on prevention activities;

6 “(9) paying the costs of equipment
7 (including software) required to receive,
8 transmit, handle, and store classified in-
9 formation;

10 “(10) constructing or enhancing facili-
11 ties to serve as emergency operations
12 centers;

13 “(11) developing educational cur-
14 ricula for first responders to ensure that
15 they are prepared for all hazards;

16 “(12) implementing training and exer-
17 cises to assist public elementary and sec-
18 ondary schools in developing and imple-
19 menting programs to instruct students
20 regarding age-appropriate skills to pre-
21 pare for and respond to an act of ter-
22 rorism;

23 “(13) paying of administrative ex-
24 penses directly related to administration

1 of the grant, but not to exceed 3 percent
2 of the amount of the grant; and

3 “(14) other appropriate activities as
4 determined by the Secretary.

5 “(b) PROHIBITED USES.—Funds provided
6 under covered grant may not be used—

7 “(1) to supplant State, tribal, or local
8 funds;

9 “(2) to construct buildings or other
10 physical facilities, except as provided in
11 subsection (a)(10);

12 “(3) to acquire land; or

13 “(4) for any State, tribal, or local gov-
14 ernment cost sharing contribution.

15 “(c) ASSISTANCE REQUIREMENT.—The Sec-
16 retary may not request that equipment paid
17 for, wholly or in part, with funds provided
18 under covered grant be made available for re-
19 sponding to emergencies in surrounding
20 States, reservations and tribal lands regions,
21 and localities unless the Secretary undertakes
22 to pay the costs directly attributable to trans-
23 porting and operating such equipment during
24 such response.

1 “(d) FLEXIBILITY IN UNSPENT GRANT
2 FUNDS.—Upon request of a State, the Sec-
3 retary may authorize the State to transfer all
4 or part of funds provided under a covered
5 grant from uses specified in the grant agree-
6 ment to other uses authorized under this sec-
7 tion if the Secretary determines that such
8 transfer is in furtherance of the statewide
9 preparedness strategy.

10 “(e) STATE RESPONSIBILITIES.—

11 “(1) PASS-THROUGH.—The Secretary
12 shall require a State to obligate or other-
13 wise make available to tribal and local
14 governments, first responders, and other
15 local groups, to the extent required
16 under the statewide preparedness strat-
17 egy specified in the application for the
18 grant, not less than 80 percent of the
19 grant funds or resources purchased with
20 the grant funds having a value equal to
21 at least 80 percent of the amount of the
22 grant, or a combination thereof, as soon
23 as practicable but not later than 60 days
24 after the date of receipt of the grant
25 funds by the State. A State shall provide

1 **funds, or resources purchased with**
2 **funds, made available under section 732**
3 **directly to an Indian tribe.**

4 **“(2) CERTIFICATIONS REGARDING DIS-**
5 **TRIBUTION OF GRANT FUNDS TO LOCAL GOV-**
6 **ERNMENTS.—Any State that receives a cov-**
7 **ered grant shall certify to the Secretary**
8 **that the State has made available for ex-**
9 **penditure by tribal and local govern-**
10 **ments, first responders, and other local**
11 **groups the required amount of grant**
12 **funds pursuant to paragraph (1).**

13 **“(3) REPORT ON PREPAREDNESS SPEND-**
14 **ING.—Each State shall submit a report to**
15 **the Secretary not later than 60 days after**
16 **the end of each fiscal year. Each report**
17 **shall include the following:**

18 **“(A) The amount, ultimate recipi-**
19 **ents, and dates of receipt of all funds**
20 **received under the grant during the**
21 **previous fiscal year.**

22 **“(B) The amount and the dates of**
23 **disbursements of all such funds ex-**
24 **pended in compliance with para-**
25 **graph (1) or pursuant to mutual aid**

1 **agreements or other sharing arrange-**
2 **ments that apply within the State**
3 **during the previous fiscal year.**

4 **“(C) How the funds were utilized**
5 **by each ultimate recipient or bene-**
6 **ficiary during the preceding fiscal**
7 **year.**

8 **“(D) The extent to which essential**
9 **capabilities identified in the State’s**
10 **statewide preparedness strategy were**
11 **achieved or enhanced as the result of**
12 **the expenditure of grant funds during**
13 **the preceding fiscal year.**

14 **“(E) The extent to which essential**
15 **capabilities identified in the State’s**
16 **statewide preparedness strategy re-**
17 **main unmet.**

18 **“(4) INCLUSION OF RESTRICTED AN-**
19 **NEXES.—A State may submit to the Sec-**
20 **retary an annex to the report under para-**
21 **graph (3) that is subject to appropriate**
22 **handling restrictions, if the State believes**
23 **that discussion in the report of unmet**
24 **needs would reveal sensitive but unclas-**
25 **sified information.**

1 **“(5) PROVISION OF REPORTS.—The Sec-**
2 **retary shall ensure that each report**
3 **under paragraph (3) is provided to the**
4 **Under Secretary for Emergency Pre-**
5 **paredness and Response and the Director**
6 **of the Office for Domestic Preparedness.**

7 **“(f) COST SHARING.—**

8 **“(1) IN GENERAL.—The Federal share**
9 **of the costs of an activity carried out**
10 **with a covered grant to a State awarded**
11 **after the 2-year period beginning on the**
12 **date of the enactment of this section shall**
13 **not exceed 75 percent.**

14 **“(2) INTERIM RULE.—**

15 **“(A) IN GENERAL.—The Federal**
16 **share of the costs of an activity car-**
17 **ried out with a covered grant award-**
18 **ed before the end of the 2-year period**
19 **beginning on the date of the enact-**
20 **ment of this section shall be 100 per-**
21 **cent.**

22 **“(B) LIMITATION.—This paragraph**
23 **shall not apply to funds used for con-**
24 **struction or enhancement of facilities**
25 **for emergency operations centers.**

1 **“(3) IN-KIND MATCHING.—Each State**
2 **may meet the matching requirement**
3 **under subparagraph (A) by making in-**
4 **kind contributions of goods or services**
5 **that are directly linked with the purpose**
6 **for which the grant is made, including**
7 **any necessary personnel overtime, con-**
8 **tractor services, administrative costs,**
9 **equipment fuel and maintenance, and**
10 **rental space.**

11 **“SEC. 734. RESTRICTIONS ON EXISTING PROGRAMS.**

12 **“Determinations on the allocation, award,**
13 **and use of grants made under the following**
14 **programs shall be made in accordance with**
15 **their authorizing statutes and without pri-**
16 **ority given to terrorism preparedness activi-**
17 **ties:**

18 **“(1) The fire grant programs author-**
19 **ized by sections 33 and 34 of the Federal**
20 **Fire Prevention and Control Act of 1974**
21 **(15 U.S.C. 2229; 2229a).**

22 **“(2) The Emergency Management Per-**
23 **formance Grant program and the Urban**
24 **Search and Rescue Grants program au-**
25 **thorized by title VI of this Act.**

1 **“(3) The Earthquake Hazards Reduc-**
2 **tion Act of 1977 (42 U.S.C. 7701 et seq.).**

3 **“SEC. 735. AUTHORIZATION OF APPROPRIATIONS.**

4 **For making covered grants under this**
5 **subtitle, there is authorized to be appro-**
6 **priated to the Secretary of Homeland Security**
7 **\$3,400,000,000 for fiscal year 2006, and such**
8 **sums as may be necessary for each of fiscal**
9 **years 2007 through 2009.**

10 **“Subtitle C—Reporting and Other**
11 **Requirements**

12 **“SEC. 751. REQUIRED COORDINATION.**

13 **“The Secretary shall ensure that there is**
14 **effective and ongoing coordination of Federal**
15 **preparedness and response efforts for major**
16 **disasters and emergencies, including those**
17 **caused by terrorist attacks, among the divi-**
18 **sions of the Department, including the Emer-**
19 **gency Preparedness and Response Direc-**
20 **torate and the Office of State and Local Gov-**
21 **ernment Preparedness and Coordination.**

22 **“SEC. 752. ANNUAL REPORTS TO CONGRESS.**

23 **“(a) IN GENERAL.—Not later than Sep-**
24 **tember 30, 2005, and annually thereafter, the**
25 **Secretary shall transmit to Congress an an-**

1 nual report on the Nation’s level of prepared-
2 ness, including State capabilities, the readi-
3 ness of Federal civil response assets, and the
4 utilization of mutual-aid agreements.

5 “(b) CONTENTS.—Each report shall in-
6 clude—

7 “(1) an assessment of how the Federal
8 first responder preparedness assistance
9 programs support the national prepared-
10 ness goal;

11 “(2) an estimate of the amount of Fed-
12 eral, State, tribal, and local expenditures
13 required to attain the essential capabili-
14 ties established under section 712(a);

15 “(3) a detailed description of the
16 amount of Federal funds provided as cov-
17 ered grants that were directed to each
18 State in the preceding fiscal year;

19 “(4) information on the use of such
20 grant funds by grantees; and

21 “(5) a description on a nationwide
22 and State-by-State basis—

23 “(A) the extent to which essential
24 capabilities identified in applicable
25 statewide preparedness strategy were

1 **created or enhanced as the result of**
2 **the expenditure of covered grant**
3 **funds during the preceding fiscal**
4 **year; and**

5 **“(B) the extent to which essential**
6 **capabilities identified in applicable**
7 **statewide preparedness strategy re-**
8 **main unmet.**

9 **“(6) USE OF QUANTIFIABLE PERFORM-**
10 **ANCE MEASUREMENT.—Each report shall be**
11 **based on quantifiable performance meas-**
12 **urements.”.**

13 **SEC. 5. MODIFICATION OF HOMELAND SECURITY ADVI-**
14 **SORY SYSTEM.**

15 **(a) IN GENERAL.—Subtitle A of title II of**
16 **the Homeland Security Act of 2002 (Public**
17 **Law 107–296; 6 U.S.C. 121 et seq.) is amended**
18 **by adding at the end the following:**

19 **“SEC. 203. HOMELAND SECURITY ADVISORY SYSTEM.**

20 **“(a) IN GENERAL.—The Secretary shall re-**
21 **vise the Homeland Security Advisory System**
22 **referred to in section 201(d)(7) to require that**
23 **any designation of a threat level or other**
24 **warning shall be accompanied by a designa-**

1 tion of the geographic regions or economic
2 sectors to which the designation applies.

3 “(b) **REPORTS.**—The Secretary shall report
4 to the Congress annually by not later than De-
5 cember 31 each year regarding the geo-
6 graphic region-specific warnings and eco-
7 nomic sector-specific warnings issued during
8 the preceding fiscal year under the Homeland
9 Security Advisory System referred to in sec-
10 tion 201(d)(7), and the bases for such warn-
11 ings. The report shall be submitted in unclas-
12 sified form and may, as necessary, include a
13 classified annex.”.

14 (b) **CLERICAL AMENDMENT.**—The table of
15 contents in section 1(b) of the Homeland Secu-
16 rity Act of 2002 (6 U.S.C. 101 et seq.) is amend-
17 ed by inserting after the item relating to sec-
18 tion 202 the following:

“203. Homeland Security Advisory System.”.

19 **SEC. 6. COORDINATION OF INDUSTRY EFFORTS.**

20 Section 102(f) of the Homeland Security
21 Act of 2002 (Public Law 107–296; 6 U.S.C.
22 112(f)) is amended by striking “and” after the
23 semicolon at the end of paragraph (6), by
24 striking the period at the end of paragraph (7)

1 and inserting “; and”, and by adding at the
2 end the following:

3 “(8) coordinating industry efforts to
4 identify private sector resources and ca-
5 pabilities that could be effective in
6 supplementing Federal, State, and local
7 government agency efforts to prevent or
8 respond to a terrorist attack.”.

9 SEC. 7. SENSE OF CONGRESS REGARDING INTEROPERABLE
10 COMMUNICATIONS.

11 (a) FINDING.—The Congress finds that—

12 (1) many first responders working in
13 the same jurisdiction or in different juris-
14 dictions cannot effectively and efficiently
15 communicate with one another; and

16 (2) their inability to do so threatens
17 the public’s safety and may result in un-
18 necessary loss of lives and property.

19 (b) SENSE OF CONGRESS.—It is the sense of
20 the Congress that it is of national importance
21 that interoperable emergency communica-
22 tions systems that to the extent possible meet
23 national voluntary consensus standards
24 should be developed and promulgated as soon

1 as practicable for use by the first responder
2 community.

3 SEC. 8. SENSE OF CONGRESS REGARDING CITIZEN CORPS
4 COUNCILS.

5 (a) FINDING.—The Congress finds that Cit-
6 izen Corps councils help to enhance local cit-
7 izen participation in terrorism preparedness
8 by coordinating multiple Citizen Corps pro-
9 grams, developing community action plans,
10 assessing possible threats, and identifying
11 local resources.

12 (b) SENSE OF CONGRESS.—It is the sense of
13 the Congress that individual Citizen Corps
14 councils should seek to enhance the prepared-
15 ness and response capabilities of all organiza-
16 tions participating in the councils, including
17 by providing funding to as many of their par-
18 ticipating organizations as practicable to pro-
19 mote local terrorism preparedness programs.

20 SEC. 9. STUDY REGARDING NATIONWIDE EMERGENCY NO-
21 TIFICATION SYSTEM.

22 (a) STUDY.—The Secretary of Homeland
23 Security, in consultation with the heads of
24 other appropriate Federal agencies and rep-
25 resentatives of providers and participants in

1 the telecommunications industry, shall con-
2 duct a study to determine whether it is cost-
3 effective, efficient, or feasible to establish and
4 implement an emergency telephonic alert no-
5 tification system that will—

6 (1) alert persons in the United States
7 of imminent or current hazardous events
8 caused by acts of terrorism; and

9 (2) provide information to individuals
10 regarding appropriate measures that may
11 be undertaken to alleviate or minimize
12 threats to their safety and welfare posed
13 by such events.

14 (b) TECHNOLOGIES TO CONSIDER.—In con-
15 ducting the study, the Secretary shall con-
16 sider the use of the telephone, wireless com-
17 munications, and other existing communica-
18 tions networks to provide such notification.

19 (c) REPORT.—Not later than 9 months after
20 the date of the enactment of this Act, the Sec-
21 retary shall submit to the Congress a report
22 regarding the conclusions of the study.

23 SEC. 10. SENSE OF CONGRESS.

24 It is the sense of Congress that for pur-
25 poses of emergency planning—

1 **(1) lack of sufficient bandwidth can**
 2 **have detrimental consequences for State**
 3 **and local governments during times of**
 4 **crisis;**

5 **(2) State and local governments**
 6 **should understand how communication**
 7 **networks will perform in emergencies by**
 8 **analyzing the experience of end users;**
 9 **and**

10 **(3) State and local governments**
 11 **should look into expanding bandwidth ef-**
 12 **ficiency by using cost effective means**
 13 **such as incorporating bandwidth alloca-**
 14 **tion tools into their networks to ensure**
 15 **proper communication is available dur-**
 16 **ing times of crisis.**

17 *[SECTION 1. SHORT TITLE; TABLE OF CONTENTS.*

18 *[(a) SHORT TITLE.—This Act may be cited as the*
 19 *“Faster and Smarter Funding for First Responders Act of*
 20 *2004”.*

21 *[(b) TABLE OF CONTENTS.—The table of contents for*
 22 *this Act is as follows:*

[Sec. 1. Short title; table of contents.

[Sec. 2. Findings.

[Sec. 3. Faster and Smarter Funding for First Responders.

[“TITLE XVIII—FUNDING FOR FIRST RESPONDERS

[“1801. Faster and smarter funding for first responders.

[“1802. *Essential capabilities for first responders.*

[“1803. *Task Force on Essential Capabilities for First Responders.*

[“1804. *Covered grant eligibility and criteria.*

[“1805. *Use of funds and accountability requirements.*

[“1806. *National standards for first responder equipment and training.*

[“1807. *Definitions.*

[Sec. 4. *Modification of Homeland Security Advisory System.*

[“Sec. 203. *Homeland Security Advisory System.*

[Sec. 5. *Coordination of industry efforts.*

[Sec. 6. *Superseded provision.*

[Sec. 7. *Sense of Congress regarding interoperable communications.*

[Sec. 8. *Sense of Congress regarding Citizen Corps councils.*

[Sec. 9. *Study regarding nationwide emergency notification system.*

[Sec. 10. *Authorization of appropriations.*

[Sec. 11. *Authority to enter into contracts and issue Federal loan guarantees.*

1 **[SEC. 2. FINDINGS.**

2 *[The Congress finds the following:*

3 *[(1) In order to achieve its objective of mini-*
 4 *mizing the damage, and assisting in the recovery,*
 5 *from terrorist attacks, the Department of Homeland*
 6 *Security must play a leading role in assisting com-*
 7 *munities to reach the level of preparedness they need*
 8 *to respond to a terrorist attack.*

9 *[(2) First responder funding is not reaching the*
 10 *men and women of our Nation’s first response teams*
 11 *quickly enough, and sometimes not at all.*

12 *[(3) To reform the current bureaucratic process*
 13 *so that homeland security dollars reach the first re-*
 14 *sponders who need it most, it is necessary to clarify*
 15 *and consolidate the authority and procedures of the*
 16 *Department of Homeland Security to support first re-*
 17 *sponders.*

1 *[(4) Ensuring adequate resources for the new na-*
2 *tional mission of homeland security requires a dis-*
3 *crete and separate grant making process for homeland*
4 *security funds for first response to terrorist acts, on*
5 *the one hand, and for first responder programs de-*
6 *signed to meet pre-9/11 priorities, on the other.*

7 *[(5) Homeland security grants to first responders*
8 *must be based on the best intelligence concerning the*
9 *capabilities and intentions of our terrorist enemies,*
10 *and that intelligence must be used to target resources*
11 *to the Nation's greatest risks, vulnerabilities, and con-*
12 *sequences.*

13 *[(6) The Nation's first response capabilities will*
14 *be improved by sharing resources, training, planning,*
15 *personnel, and equipment among neighboring juris-*
16 *dictions through mutual aid agreements and regional*
17 *cooperation. Such regional cooperation should be sup-*
18 *ported, where appropriate, through direct grants from*
19 *the Department of Homeland Security.*

20 *[(7) An essential prerequisite to achieving the*
21 *Nation's homeland security objectives for first re-*
22 *sponders is the establishment of well-defined national*
23 *goals for terrorism preparedness. These goals should*
24 *delineate the essential capabilities that every jurisdic-*

1 *tion in the United States should possess or to which*
2 *it should have access.*

3 *[(8) A national determination of essential capa-*
4 *bilities is needed to identify levels of State and local*
5 *government terrorism preparedness, to determine the*
6 *nature and extent of State and local first responder*
7 *needs, to identify the human and financial resources*
8 *required to fulfill them, and to direct funding to meet*
9 *those needs and to measure preparedness levels on a*
10 *national scale.*

11 *[(9) To facilitate progress in attaining essential*
12 *capabilities for State and local first responders, the*
13 *Department of Homeland Security should seek to allo-*
14 *cate homeland security funding for first responders to*
15 *meet nationwide needs.*

16 *[(10) Private sector resources and citizen volun-*
17 *teers can perform critical functions in assisting in*
18 *preventing and responding to terrorist attacks, and*
19 *should be integrated into State and local planning ef-*
20 *forts to ensure that their capabilities and roles are*
21 *understood, so as to provide enhanced State and local*
22 *operational capability and surge capacity.*

23 *[(11) Public-private partnerships, such as the*
24 *partnerships between the Business Executives for Na-*
25 *tional Security and the States of New Jersey and*

1 Georgia, can be useful to identify and coordinate pri-
 2 vate sector support for State and local first respond-
 3 ers. Such models should be expanded to cover all
 4 States and territories.

5 [(12) An important component of national
 6 standards is measurability, so that it is possible to
 7 determine how prepared a State or local government
 8 is now, and what additional steps it needs to take, in
 9 order to respond to acts of terrorism.

10 [(13) The Department of Homeland Security
 11 should establish, publish, and regularly update na-
 12 tional voluntary consensus standards for both equip-
 13 ment and training, in cooperation with both public
 14 and private sector standard setting organizations, to
 15 assist State and local governments in obtaining the
 16 equipment and training to attain the essential capa-
 17 bilities for first response to acts of terrorism, and to
 18 ensure that first responder funds are spent wisely.

19 **[SEC. 3. FASTER AND SMARTER FUNDING FOR FIRST RE-**
 20 **SPONDERS.**

21 [(a) *IN GENERAL.*—The Homeland Security Act of
 22 2002 (Public Law 107–296; 6 U.S.C. 361 *et seq.*) is amend-
 23 ed—

24 [(1) in section 1(b) in the table of contents by
 25 adding at the end the following:

*“TITLE XVIII—FUNDING FOR FIRST RESPONDERS**[“1801. Faster and smarter funding for first responders.**[“1802. Essential capabilities for first responders.**[“1803. Task Force on Essential Capabilities for First Responders.**[“1804. Covered grant eligibility and criteria.**[“1805. Use of funds and accountability requirements.**[“1806. National standards for first responder equipment and training.**[“1807. Definitions.”; and*

1 *[(2) by adding at the end the following:*

2 ***[“TITLE XVIII—FUNDING FOR***
3 ***FIRST RESPONDERS***

4 ***[“SEC. 1801. FASTER AND SMARTER FUNDING FOR FIRST***
5 ***RESPONDERS.***

6 *[“(a) COVERED GRANTS.—This title applies to any*
7 *grant provided by the Department to States, regions, or di-*
8 *rectly eligible tribes to improve the ability of first respond-*
9 *ers to prevent, prepare for, respond to, or mitigate threat-*
10 *ened or actual terrorist attacks, especially those involving*
11 *weapons of mass destruction, and including any grant*
12 *under the following:*

13 *[“(1) STATE HOMELAND SECURITY GRANT PRO-*
14 *GRAM.—The State Homeland Security Grant Pro-*
15 *gram of the Department, or any successor to such*
16 *grant program.*

17 *[“(2) URBAN AREA SECURITY INITIATIVE.—The*
18 *Urban Area Security Initiative of the Department, or*
19 *any successor to such grant program.*

1 [“(b) *EXCLUDED PROGRAMS.*—*This title does not*
 2 *apply to or otherwise affect the following Federal grant pro-*
 3 *grams or any grant under such a program:*

4 [“(1) *NONDEPARTMENT PROGRAMS.*—*Any Fed-*
 5 *eral grant program that is not administered by the*
 6 *Department.*

7 [“(2) *FIRE GRANT PROGRAMS.*—*The fire grant*
 8 *programs authorized by sections 33 and 34 of the*
 9 *Federal Fire Prevention and Control Act of 1974 (15*
 10 *U.S.C. 2229, 2229a).*

11 [“(3) *EMERGENCY MANAGEMENT PLANNING AND*
 12 *ASSISTANCE ACCOUNT GRANTS.*—*The Emergency*
 13 *Management Performance Grant program and the*
 14 *Urban Search and Rescue Grants program authorized*
 15 *by title VI of the Robert T. Stafford Disaster Relief*
 16 *and Emergency Assistance Act (42 U.S.C. 5195 et*
 17 *seq.); the Departments of Veterans Affairs and Hous-*
 18 *ing and Urban Development, and Independent Agen-*
 19 *cies Appropriations Act, 2000 (113 Stat. 1047 et*
 20 *seq.); and the Earthquake Hazards Reduction Act of*
 21 *1977 (42 U.S.C. 7701 et seq.).*

22 **[“SEC. 1802. ESSENTIAL CAPABILITIES FOR FIRST RE-**
 23 **SPONDERS.**

24 [“(a) *ESTABLISHMENT OF ESSENTIAL CAPABILI-*
 25 *TIES.*—

1 [“(1) *IN GENERAL.*—*The Secretary shall estab-*
2 *lish clearly defined essential capabilities for State and*
3 *local government preparedness for terrorism, in con-*
4 *sultation with—*

5 [“(A) *the Task Force on Essential Capabili-*
6 *ties for First Responders established under sec-*
7 *tion 1803;*

8 [“(B) *the Under Secretaries for Emergency*
9 *Preparedness and Response, Border and Trans-*
10 *portation Security, Information Analysis and*
11 *Infrastructure Protection, and Science and Tech-*
12 *nology, and the Director of the Office for Domes-*
13 *tic Preparedness;*

14 [“(C) *other appropriate Federal agencies;*

15 [“(D) *State and local first responder agen-*
16 *cies and officials; and*

17 [“(E) *groups responsible for setting stand-*
18 *ards relevant to the first responder community.*

19 [“(2) *DEADLINES.*—*The Secretary shall—*

20 [“(A) *establish essential capabilities under*
21 *paragraph (1) within 30 days after receipt of the*
22 *initial submission of a final report under section*
23 *1803(c)(2); and*

1 *[“(B) regularly update such essential capa-*
2 *bilities as necessary, but not less than every 3*
3 *years.*

4 *[“(3) PROVISION OF ESSENTIAL CAPABILITIES.—*
5 *The Secretary shall ensure that essential capabilities*
6 *established under paragraph (1) are provided prompt-*
7 *ly to the States and to the Congress. The States shall*
8 *make the essential capabilities available as necessary*
9 *and appropriate to local governments within their ju-*
10 *risdictions.*

11 *[“(b) OBJECTIVES.—The Secretary shall ensure that*
12 *essential capabilities established under subsection (a)(1)*
13 *meet the following objectives:*

14 *[“(1) SPECIFICITY.—The determination of essen-*
15 *tial capabilities specifically shall describe the train-*
16 *ing, planning, personnel, and equipment that dif-*
17 *ferent types of communities in the Nation should pos-*
18 *sess, or to which they should have access, in order to*
19 *meet the Department’s goals for terrorism prepared-*
20 *ness based upon—*

21 *[“(A) the most current risk assessment*
22 *available by the Directorate for Information*
23 *Analysis and Infrastructure Protection of the*
24 *threats of terrorism against the United States;*
25 *and*

1 [“(B) the types of threats, vulnerabilities,
2 geography, size, and other factors that the Sec-
3 retary has determined to be applicable to each
4 different type of community.

5 [“(2) FLEXIBILITY.—The establishment of essen-
6 tial capabilities shall be sufficiently flexible to allow
7 State and local government officials to set priorities
8 based on particular needs, while reaching nationally
9 determined terrorism preparedness levels within a
10 specified time period.

11 [“(3) MEASURABILITY.—The establishment of es-
12 sential capabilities shall be designed to enable meas-
13 urement of progress towards specific terrorism pre-
14 paredness goals.

15 [“(c) THREATS TO BE CONSIDERED.—

16 [“(1) IN GENERAL.—In establishing essential ca-
17 pabilities under subsection (a)(1), the Secretary spe-
18 cifically shall consider the variables of threat, vulner-
19 ability, and consequences with respect to the Nation’s
20 population (including transient commuting and tour-
21 ist populations) and critical infrastructure. Such con-
22 sideration shall be based upon the most current risk
23 assessment available by the Directorate for Informa-
24 tion Analysis and Infrastructure Protection of the
25 threats of terrorism against the United States.

1 [“(2) *CRITICAL INFRASTRUCTURE SECTORS.*—
2 *The Secretary specifically shall consider threats of*
3 *terrorism against the following critical infrastructure*
4 *sectors in all areas of the Nation, urban and rural:*

5 [“(A) *Agriculture.*

6 [“(B) *Banking and finance.*

7 [“(C) *Chemical industries.*

8 [“(D) *The defense industrial base.*

9 [“(E) *Emergency services.*

10 [“(F) *Energy.*

11 [“(G) *Food.*

12 [“(H) *Government.*

13 [“(I) *Postal and shipping.*

14 [“(J) *Public health.*

15 [“(K) *Information and telecommunications*
16 *networks.*

17 [“(L) *Transportation, ports, and con-*
18 *tainers.*

19 [“(M) *Water.*

20 [“(N) *Courts and justice facilities.*

21 *The order in which the critical infrastructure sectors*
22 *are listed in this paragraph shall not be construed as*
23 *an order of priority for consideration of the impor-*
24 *tance of such sectors.*

1 [“(3) CONSIDERATION OF ADDITIONAL
2 THREATS.—In establishing essential capabilities
3 under subsection (a)(1), the Secretary shall take into
4 account any other specific threat to a population (in-
5 cluding a transient commuting or tourist population)
6 or critical infrastructure sector that the Secretary has
7 determined to exist.

8 **[“SEC. 1803. TASK FORCE ON ESSENTIAL CAPABILITIES FOR**
9 **FIRST RESPONDERS.**

10 [“(a) ESTABLISHMENT.—To assist the Secretary in es-
11 tablishing essential capabilities under section 1802(a)(1),
12 the Secretary shall establish an advisory body to be known
13 as the Task Force on Essential Capabilities for First Re-
14 sponders not later than 60 days after the date of the enact-
15 ment of this section.

16 [“(b) DRAFT REPORT.—

17 [“(1) IN GENERAL.—The Task Force shall sub-
18 mit to the Secretary, not later than one year after its
19 establishment by the Secretary under subsection (a)
20 and every 3 years thereafter, a draft report on its rec-
21 ommendations for the essential capabilities all State
22 and local government first responders should possess,
23 or to which they should have access, to enhance ter-
24 rorism preparedness, including—

25 [“(A) to prevent a terrorist attack;

1 [“(B) to protect persons and critical infra-
2 structure against attack; and

3 [“(C) to enhance terrorism response and
4 mitigation capabilities if such an attack occurs.

5 [“(2) THREATS TO BE CONSIDERED IN DETER-
6 MINING ESSENTIAL CAPABILITIES.—

7 [“(A) IN GENERAL.—In reporting to the
8 Secretary on its recommendations for essential
9 capabilities, the Task Force specifically shall
10 consider the critical infrastructure sectors de-
11 scribed in section 1802(c)(2), and the threats to
12 populations in all areas of the Nation, urban
13 and rural, including the following:

14 [“(i) Biological threats.

15 [“(ii) Nuclear threats.

16 [“(iii) Radiological threats.

17 [“(iv) Incendiary threats.

18 [“(v) Chemical threats.

19 [“(vi) Explosives.

20 [“(vii) Suicide bombers.

21 [“(viii) Cyber threats.

22 [“(ix) Any other threats based on prox-
23 imity to specific past acts of terrorism or
24 the known activity of any terrorist group.

1 [“(B) NO PRIORITY.—The order in which
2 the threats are listed in subparagraph (A) shall
3 not be construed as an order of priority for con-
4 sideration of the importance of such threats.

5 [“(3) RISK-BASED.—The draft report shall be
6 based upon the most current risk assessment available
7 by the Directorate for Information Analysis and In-
8 frastructure Protection of the threats of terrorism
9 against the United States provided to the Task Force
10 pursuant to subsection (d).

11 [“(4) CONTENTS.—The draft report shall—

12 [“(A) include a priority ranking of essential
13 capabilities, in order to provide guidance to the
14 Secretary and to the Congress on determining
15 the appropriate allocation of, and funding levels
16 for, first responder needs;

17 [“(B) set forth a methodology by which any
18 State or local government will be able to deter-
19 mine the extent to which it possesses or has ac-
20 cess to the essential capabilities that States and
21 local governments having similar risks should
22 obtain;

23 [“(C) describe the availability of national
24 voluntary consensus standards, and whether
25 there is a need for new national voluntary con-

1 *sensus standards, with respect to first responder*
2 *training and equipment;*

3 *[(D) include such additional matters as*
4 *the Secretary may specify in order to further the*
5 *terrorism preparedness capabilities of first re-*
6 *sponders; and*

7 *[(E) include such revisions to the contents*
8 *of past reports as are necessary to take into ac-*
9 *count changes in the most current risk assess-*
10 *ment available by the Directorate for Informa-*
11 *tion Analysis and Infrastructure Protection or*
12 *other relevant information as determined by the*
13 *Secretary.*

14 *[(c) REVIEW AND REVISION OF DRAFT REPORT.—*

15 *[(1) REVIEW AND COMMENTS.—Within 30 days*
16 *after the date of the submission of the draft report by*
17 *the Task Force under subsection (b), the Secretary*
18 *shall review and provide comments to the Task Force*
19 *on the contents of the draft report.*

20 *[(2) REVISION AND SUBMISSION OF FINAL RE-*
21 *PORT.—Within 30 days after receiving the Secretary’s*
22 *comments, the Task Force shall—*

23 *[(A) revise its draft report based on the*
24 *comments provided by the Secretary, and any*
25 *other comments it has solicited and received, if*

1 *the Task Force determines that such revisions are*
2 *appropriate; and*

3 *[(“B) submit the final report on essential*
4 *capabilities to the Secretary and to the Congress.*

5 *[(“d) TASK FORCE ACCESS TO INFORMATION.—*

6 *[(“(1) SECURITY CLEARANCES.—For purposes of*
7 *carrying out its responsibilities under this section, the*
8 *Task Force shall be provided as a matter of priority*
9 *appropriate security clearances, including interim se-*
10 *curity clearances.*

11 *[(“(2) ACCESS TO FINISHED INTELLIGENCE.—For*
12 *purposes of carrying out its responsibilities under this*
13 *section, the Task Force shall be provided access to all*
14 *finished intelligence and analytic products it may re-*
15 *quest from the Directorate for Information Analysis*
16 *and Infrastructure Protection or other sources within*
17 *the Department concerning the nature and likelihood*
18 *of terrorist attacks on the territory of the United*
19 *States.*

20 *[(“(3) ACCESS TO ASSESSMENT TOOLS.—For pur-*
21 *poses of carrying out its responsibilities under this*
22 *section, the Task Force shall be provided access to all*
23 *tools or methodologies currently or formerly used by*
24 *the Department and its predecessor organizations to*

1 *assess the preparedness capabilities of State and local*
2 *governments.*

3 [“(4) *VALID CLEARANCES.*—*Nothing in this sec-*
4 *tion shall be considered to authorize a member of the*
5 *Task Force to have access to classified information*
6 *unless that member possesses a valid clearance to re-*
7 *ceive such information.*

8 [“(e) *MEMBERSHIP.*—

9 [“(1) *IN GENERAL.*—*The Task Force shall consist*
10 *of 25 members appointed by the Secretary, and*
11 *shall—*

12 [“(A) *represent a cross section of first re-*
13 *sponder disciplines; and*

14 [“(B) *include both State and local rep-*
15 *resentatives within each discipline.*

16 [“(2) *TERM OF MEMBERS.*—*Each appointed*
17 *member of the Task Force shall serve for a term not*
18 *to exceed 18 months. No individual may be appointed*
19 *as a member of the Task Force for more than 2 terms.*

20 [“(3) *SELECTION OF MEMBERS.*—*The Secretary*
21 *shall include in the membership of the Task Force—*

22 [“(A) *members selected from the emergency*
23 *response field, including firefighters and law en-*
24 *forcement, hazardous materials response, emer-*
25 *gency medical services, and emergency manage-*

1 *ment personnel (including public works per-*
2 *sonnel routinely engaged in emergency response);*

3 *[“(B) health scientists, emergency and inpa-*
4 *tient medical providers, and public health profes-*
5 *sionals, including experts in emergency health*
6 *care response to chemical, biological, radio-*
7 *logical, and nuclear terrorism, and experts in*
8 *providing mental health care during emergency*
9 *response operations;*

10 *[“(C) experts from Federal, State, and local*
11 *governments, and the private sector, representing*
12 *standards-setting organizations, including rep-*
13 *resentation from the voluntary consensus codes*
14 *and standards development community, particu-*
15 *larly those with expertise in firefighting, law en-*
16 *forcement, and emergency medical services deliv-*
17 *ery; and*

18 *[“(D) State and local officials with exper-*
19 *tise in terrorism preparedness, subject to the con-*
20 *dition that if any such officials are elected offi-*
21 *cials, an equal number shall be selected from*
22 *each of the two major political parties.*

23 *[“(4) EX OFFICIO MEMBERS.—The Secretary*
24 *shall designate one or more officers of the Department*
25 *to serve as ex officio members of the Task Force, one*

1 *of whom shall be the designated officer of the Federal*
2 *Government for purposes of subsection (e) of section*
3 *10 of the Federal Advisory Committee Act.*

4 [“(5) *DIVERSITY IN COMPOSITION OF TASK*
5 *FORCE.—In appointing members to the Task Force,*
6 *the Secretary shall ensure, to the extent practicable,*
7 *that its membership—*

8 [“(A) *is geographically diverse;*

9 [“(B) *includes representatives from both*
10 *rural and urban jurisdictions;*

11 [“(C) *includes representatives from both*
12 *management and labor;*

13 [“(D) *includes representatives from both*
14 *uniformed and nonuniformed professions;*

15 [“(E) *includes representatives from both*
16 *voluntary and professional services;*

17 [“(F) *includes representatives from both*
18 *government and nongovernment emergency med-*
19 *ical services; and*

20 [“(G) *includes sufficient personnel with se-*
21 *curity clearances necessary to review classified*
22 *materials that may be needed to conduct the*
23 *business of the Task Force.*

24 [“(6) *CHAIR.—At the first meeting of the Task*
25 *Force, the membership of the Task Force appointed*

1 *under paragraph (3) shall elect a chair of the Task*
2 *Force.*

3 [*“(f) MEETINGS.—The Task Force shall meet as often*
4 *as necessary to complete reports in accordance with this sec-*
5 *tion.*

6 [*“(g) PAY.—*

7 [*“(1) IN GENERAL.—Members of the Task Force*
8 *shall serve without pay by reason of their work on the*
9 *Task Force.*

10 [*“(2) FEDERAL OFFICERS AND EMPLOYEES.—*
11 *Members of the Task Force who are officers or em-*
12 *ployees of the United States shall receive no addi-*
13 *tional pay by reason of their service as a member of*
14 *the Task Force.*

15 [*“(h) TRAVEL EXPENSES.—Members of the Task Force*
16 *shall be allowed travel expenses, including per diem in lieu*
17 *of subsistence, at rates authorized for employees of agencies*
18 *under subchapter I of chapter 57 of title 5, United States*
19 *Code, while away from their homes or regular places of*
20 *business in the performance of services for the Task Force.*

21 [*“(i) SERVICES, FUNDS, AND STAFF.—The Secretary*
22 *shall provide to the Task Force, on a non-reimbursable*
23 *basis, such administrative services, funds, staff, facilities,*
24 *and other support services as the Secretary determines nec-*
25 *essary, in consultation with the chair of the Task Force,*

1 *for the Task Force to perform its duties efficiently and in*
 2 *accordance with this section.*

3 [“(j) *DETAILS.*—Upon the request of the Task Force,
 4 *the Secretary may detail, without reimbursement, any per-*
 5 *sonnel of the Department to assist the Task Force in car-*
 6 *rying out its duties. Any such detail of an employee shall*
 7 *be without interruption or loss of civil service status or*
 8 *privilege.*

9 [“(k) *APPLICABILITY OF FEDERAL ADVISORY COM-*
 10 *MITTEE ACT.*—The Federal Advisory Committee Act (5
 11 *U.S.C. App.), including subsections (a), (b), and (d) of sec-*
 12 *tion 10 of such Act, and section 552b(c) of title 5, United*
 13 *States Code, shall apply to the Task Force.*

14 **[“SEC. 1804. COVERED GRANT ELIGIBILITY AND CRITERIA.**

15 [“(a) *GRANT ELIGIBILITY.*—Any State, region, or di-
 16 *rectly eligible tribe shall be eligible to apply for a covered*
 17 *grant.*

18 [“(b) *AWARDING GRANTS.*—

19 [“(1) *CRITERIA.*—In awarding covered grants,
 20 *the Secretary shall assist States and local govern-*
 21 *ments in achieving the essential capabilities for first*
 22 *responders established by the Secretary under section*
 23 *1802.*

24 [“(2) *THREAT ASSESSMENTS.*—In assessing
 25 *threats for purposes of awarding covered grants, the*

1 *credibility of the threat shall be weighted more than*
2 *population concentration or critical infrastructure or*
3 *any other consideration.*

4 [“(c) *STATE HOMELAND SECURITY PLANS.*—

5 [“(1) *SUBMISSION OF PLANS.*—*The Secretary*
6 *shall require that any State applying to the Secretary*
7 *for a covered grant must submit to the Secretary a*
8 *3-year State homeland security plan that—*

9 [“(A) *demonstrates the extent to which the*
10 *State has achieved the essential capabilities that*
11 *apply to the State, and describes the extent to*
12 *which the State used the methodology developed*
13 *pursuant to section 1803(b)(4)(B) to evaluate the*
14 *level of its essential capabilities;*

15 [“(B) *demonstrates the additional needs of*
16 *the State necessary to achieve the essential capa-*
17 *bilities that apply to the State;*

18 [“(C) *includes a prioritization of such addi-*
19 *tional needs based on threat, vulnerability, and*
20 *consequence assessment factors applicable to the*
21 *State;*

22 [“(D) *describes how the State intends—*

23 [“(i) *to address such additional needs*
24 *at the city, county, regional, State, and*

1 interstate level, and with respect to any In-
2 dian tribes within its boundaries;

3 [“(ii) to use all Federal, State, and
4 local resources available for the purpose of
5 addressing such additional needs; and

6 [“(iii) to give particular emphasis to
7 regional planning and cooperation, both
8 within its jurisdictional borders and with
9 neighboring States; and

10 [“(E) is developed in consultation with and
11 subject to appropriate comment by local govern-
12 ments within the State.

13 [“(2) APPROVAL BY SECRETARY.—The Secretary
14 may not award any covered grant to a State unless
15 the Secretary has approved the applicable State home-
16 land security plan.

17 [“(d) CONSISTENCY WITH STATE PLANS.—The Sec-
18 retary shall ensure that each covered grant is used to sup-
19 plement and support, in a consistent and coordinated man-
20 ner, the applicable State homeland security plan or plans.

21 [“(e) APPLICATION FOR GRANT.—

22 [“(1) IN GENERAL.—Any State, region, or di-
23 rectly eligible tribe may apply for a covered grant by
24 submitting to the Secretary an application at such
25 time, in such manner, and containing such informa-

tion as is required under this subsection, or as the Secretary may reasonably require.

[“(2) DEADLINES FOR APPLICATIONS AND AWARDS.—All applications for covered grants must be submitted to the Secretary no later than February 15 of the fiscal year for which they are submitted. The Secretary shall award covered grants pursuant to all approved applications for such fiscal year as soon as practicable, but not later than July 31 of such year.

[“(3) AVAILABILITY OF FUNDS.—All funds awarded by the Secretary under covered grants in a fiscal year shall be available for obligation through the end of the subsequent fiscal year.

[“(4) MINIMUM CONTENTS OF APPLICATION.—The Secretary shall require that each applicant include in its application, at a minimum—

[“(A) the purpose for which the applicant seeks covered grant funds and the reasons why the applicant needs the covered grant to meet the essential capabilities for terrorism preparedness within the boundaries of the State, region, or directly eligible tribe to which the application pertains;

[“(B) a description of how, by reference to the applicable State homeland security plan or

1 *plans under subsection (c), the allocation of*
2 *grant funding proposed in the application, in-*
3 *cluding, where applicable, the amount not passed*
4 *through under section 1805(e)(1), would assist in*
5 *fulfilling the essential capabilities specified in*
6 *such plan or plans;*

7 *[“(C) a statement of whether a mutual aid*
8 *agreement applies to the use of all or any por-*
9 *tion of the covered grant funds;*

10 *[“(D) if the applicant is a region—*

11 *[“(i) a precise geographical description*
12 *of the region and a specification of all par-*
13 *ticipating and nonparticipating local gov-*
14 *ernments within the geographical area com-*
15 *prising that region;*

16 *[“(ii) a specification of what govern-*
17 *mental entity within the region will admin-*
18 *ister the expenditure of funds under the cov-*
19 *ered grant; and*

20 *[“(iii) a designation of a specific indi-*
21 *vidual to serve as regional liaison;*

22 *[“(E) if the applicant is a directly eligible*
23 *tribe, a designation of a specific individual to*
24 *serve as tribal liaison;*

1 [“(F) a capital budget showing how the ap-
 2 plicant intends to allocate and expend the cov-
 3 ered grant funds; and

4 [“(G) a statement of how the applicant in-
 5 tends to meet the matching requirement, if any,
 6 that applies under section 1805(e)(2).

7 [“(5) REGIONAL APPLICATIONS.—

8 [“(A) SUBMISSION TO STATE OR STATES.—
 9 To ensure the consistency required under sub-
 10 section (d), an applicant that is a region must
 11 simultaneously submit its application to the De-
 12 partment and to each State of which any part
 13 is included in the region.

14 [“(B) OPPORTUNITY FOR STATE COM-
 15 MENT.—Before awarding any covered grant to a
 16 region, the Secretary shall provide an oppor-
 17 tunity to each State of which any part is in-
 18 cluded in a region, during the 30-day period be-
 19 ginning on the date on which the region submits
 20 an application for a covered grant, to comment
 21 to the Secretary on the consistency of the region’s
 22 plan with the State’s homeland security plan.

23 [“(C) FINAL AUTHORITY.—The Secretary
 24 shall have final authority to determine the con-
 25 sistency of any regional application with the ap-

1 *plicable State homeland security plan or plans*
 2 *and approve any regional application. The Sec-*
 3 *retary shall notify each State of which any part*
 4 *is included in a region of the approval of a re-*
 5 *gional application for that region.*

6 *[“(D) REGIONAL LIAISONS.—A regional li-*
 7 *aision designated under paragraph (4)(D)(iii)*
 8 *shall—*

9 *[“(i) coordinate with Federal, State,*
 10 *local, regional, and private officials within*
 11 *the region concerning terrorism prepared-*
 12 *ness;*

13 *[“(ii) develop a process for receiving*
 14 *input from Federal, State, local, regional,*
 15 *and private sector officials within the re-*
 16 *gion to assist in the development of the re-*
 17 *gional application and to improve the re-*
 18 *gion’s access to covered grants; and*

19 *[“(iii) administer, in consultation with*
 20 *State, local, regional, and private officials*
 21 *within the region, covered grants awarded*
 22 *to the region.*

23 *[“(6) TRIBAL APPLICATIONS.—*

24 *[“(A) SUBMISSION TO STATE OR STATES.—*

25 *To ensure the consistency required under sub-*

1 *section (d), an applicant that is a directly eligi-*
2 *ble tribe must simultaneously submit its applica-*
3 *tion to the Department and to each State within*
4 *the boundaries of which any part of that tribe is*
5 *located.*

6 *[“(B) OPPORTUNITY FOR STATE COM-*
7 *MENT.—Before awarding any covered grant to a*
8 *directly eligible tribe, the Secretary shall provide*
9 *an opportunity to each State within the bound-*
10 *aries of which any part of that tribe is located,*
11 *during the 30-day period beginning on the date*
12 *on which the tribe submits an application for a*
13 *covered grant, to comment to the Secretary on*
14 *the consistency of the tribe’s plan with the*
15 *State’s homeland security plan.*

16 *[“(C) FINAL AUTHORITY.—The Secretary*
17 *shall have final authority to determine the con-*
18 *sistency of any application of a directly eligible*
19 *tribe with the applicable State homeland security*
20 *plan or plans and approve any application of*
21 *that tribe. The Secretary shall notify each State*
22 *within the boundaries of which any part of that*
23 *tribe is located of the approval of an application*
24 *of that tribe.*

1 [“(D) *TRIBAL LIAISON*.—A tribal liaison
2 designated under paragraph (4)(E) shall—

3 [“(i) coordinate with Federal, State,
4 local, regional, and private officials con-
5 cerning terrorism preparedness;

6 [“(ii) develop a process for receiving
7 input from Federal, State, local, regional,
8 and private sector officials to assist in the
9 development of the application of that tribe
10 and to improve the tribe’s access to covered
11 grants; and

12 [“(iii) administer, in consultation with
13 State, local, regional, and private officials,
14 covered grants awarded to that tribe.

15 [“(E) *LIMITATION ON NUMBER OF DIRECT*
16 *GRANTS*.—The Secretary may make covered
17 grants directly to not more than 20 directly eli-
18 gible tribes per fiscal year.

19 [“(F) *TRIBES NOT RECEIVING DIRECT*
20 *GRANTS*.—An Indian tribe not receiving a grant
21 directly under this section is eligible to receive
22 funds under a covered grant from the State or
23 States within the boundaries of which any part
24 of that tribe is located, consistent with the home-
25 land security plan of the State as described in

1 subsection (c). If a State fails to comply with
 2 section 1805(e)(1), the tribe is entitled to pursue
 3 the procedures set forth in section 1805(f)(3) to
 4 the extent applicable.

5 [“(7) *EQUIPMENT STANDARDS*.—If an applicant
 6 for a covered grant proposes to upgrade or purchase,
 7 with assistance provided under the grant, new equip-
 8 ment or systems that do not meet or exceed any appli-
 9 cable national voluntary consensus standards estab-
 10 lished by the Secretary under section 1806(a), the ap-
 11 plicant shall include in the application an expla-
 12 nation of why such equipment or systems will serve
 13 the needs of the applicant better than equipment or
 14 systems that meet or exceed such standards.

15 [“(f) *FIRST RESPONDER GRANTS BOARD*.—

16 [“(1) *ESTABLISHMENT OF BOARD*.—The Sec-
 17 retary shall establish a First Responder Grants
 18 Board, consisting of—

19 [“(A) the Secretary;

20 [“(B) the Under Secretary for Emergency
 21 Preparedness and Response;

22 [“(C) the Under Secretary for Border and
 23 Transportation Security;

24 [“(D) the Under Secretary for Information
 25 Analysis and Infrastructure Protection;

1 *[(E) the Under Secretary for Science and*
2 *Technology; and*

3 *[(F) the Director of the Office for Domestic*
4 *Preparedness.*

5 *[(2) CHAIRMAN.—*

6 *[(A) IN GENERAL.—The Secretary shall be*
7 *the Chairman of the Board.*

8 *[(B) EXERCISE OF AUTHORITIES BY DEP-*
9 *UTY SECRETARY.—The Deputy Secretary of*
10 *Homeland Security may exercise the authorities*
11 *of the Chairman, if the Secretary so directs.*

12 *[(3) RANKING OF GRANT APPLICATIONS.—*

13 *[(A) PRIORITIZATION OF GRANTS.—The*
14 *Board shall evaluate and annually prioritize all*
15 *pending applications for covered grants based*
16 *upon the degree to which they would lessen the*
17 *threat to, vulnerability of, and consequences for*
18 *persons and critical infrastructure.*

19 *[(B) ACHIEVING NATIONWIDE CAPA-*
20 *BILITY.—In evaluating and prioritizing grant*
21 *applications under subparagraph (A), the Board*
22 *shall seek to achieve and enhance essential capa-*
23 *bilities throughout the Nation.*

24 *[(C) MINIMUM AMOUNTS.—After evalu-*
25 *ating and prioritizing grant applications under*

1 *subparagraph (A), the Board shall ensure that,*
2 *for each fiscal year—*

3 *[“(i) the States, the District of Colum-*
4 *bia, and the Commonwealth of Puerto Rico*
5 *each receive no less than 0.25 percent of the*
6 *funds available for covered grants for that*
7 *fiscal year for purposes of implementing its*
8 *homeland security plan in accordance with*
9 *the prioritization of additional needs under*
10 *subsection (c)(1)(C);*

11 *[“(ii) the United States Virgin Islands,*
12 *America Samoa, Guam, and the Northern*
13 *Mariana Islands each receive no less than*
14 *0.08 percent of the funds available for cov-*
15 *ered grants for that fiscal year for purposes*
16 *of implementing its homeland security plan*
17 *in accordance with the prioritization of ad-*
18 *ditional needs under subsection (c)(1)(C);*
19 *and*

20 *[“(iii) directly eligible tribes under sec-*
21 *tion 1807(8) collectively receive no less than*
22 *0.25 percent of the funds available for cov-*
23 *ered grants for that fiscal year for purposes*
24 *of addressing needs identified in the appli-*
25 *cations of such tribes, consistent with the*

1 *homeland security plan of each State within*
 2 *the boundaries of which any part of any*
 3 *such tribe is located.*

4 [*“(4) FUNCTIONS OF UNDER SECRETARIES.—The*
 5 *Under Secretaries referred to in paragraph (1) shall*
 6 *seek to ensure that the relevant expertise and input of*
 7 *the staff of their directorates are available to and con-*
 8 *sidered by the Board.*

9 **[“SEC. 1805. USE OF FUNDS AND ACCOUNTABILITY RE-**
 10 **QUIREMENTS.**

11 [*“(a) IN GENERAL.—A covered grant may be used*
 12 *for—*

13 [*“(1) purchasing or upgrading equipment, in-*
 14 *cluding computer software, to enhance terrorism pre-*
 15 *paredness and response;*

16 [*“(2) exercises to strengthen terrorism prepared-*
 17 *ness and response;*

18 [*“(3) training for prevention (including detec-*
 19 *tion) of, preparedness for, or response to attacks in-*
 20 *volving weapons of mass destruction, including train-*
 21 *ing in the use of equipment and computer software;*

22 [*“(4) developing or updating response plans;*

23 [*“(5) establishing or enhancing mechanisms for*
 24 *sharing terrorism threat information pursuant to this*
 25 *Act;*

1 [“(6) systems architecture and engineering, pro-
2 gram planning and management, strategy formula-
3 tion and strategic planning, life-cycle systems design,
4 product and technology evaluation, and prototype de-
5 velopment for terrorism preparedness and response
6 purposes;

7 [“(7) additional personnel costs resulting from—
8 [“(A) elevations in the threat alert level of
9 the Homeland Security Advisory System;

10 [“(B) travel to and participation in exer-
11 cises and training in the use of equipment and
12 on prevention activities; and

13 [“(C) the temporary replacement of per-
14 sonnel during any period of travel to and par-
15 ticipation in exercises and training in the use of
16 equipment and on prevention activities;

17 [“(8) the costs of equipment (including software)
18 required to receive, transmit, handle, and store classi-
19 fied information;

20 [“(9) enhancing facilities to serve as operations
21 centers, or hardening critical infrastructure against
22 potential attack by the addition of barriers, fences,
23 gates, and other such devices;

24 [“(10) the costs of commercially available equip-
25 ment that complies with, where applicable, national

1 *voluntary consensus standards, and that facilitates*
2 *interoperability, coordination, and integration be-*
3 *tween emergency communications systems, includ-*
4 *ing—*

5 *[“(A) mobile vehicles that contain equip-*
6 *ment such as commercial telephone trunk lines,*
7 *VHF and UHF radios, patch panels, and*
8 *crosspatches, among other technologies and*
9 *equipment; and*

10 *[“(B) communications system overlay soft-*
11 *ware and hardware that allow multiple dis-*
12 *parate communications networks to act as one*
13 *network;*

14 *[“(11) educational curricula development for*
15 *first responders to ensure that they are prepared for*
16 *terrorist attacks;*

17 *[“(12) training and exercises to assist public ele-*
18 *mentary and secondary schools in developing and im-*
19 *plementing programs to instruct students regarding*
20 *age-appropriate skills to prepare for and respond to*
21 *an act of terrorism; and*

22 *[“(13) other appropriate activities as determined*
23 *by the Secretary.*

24 *[“(b) PROHIBITED USES.—Funds provided as a cov-*
25 *ered grant may not be used—*

1 [“(1) to supplant State or local funds for, or oth-
 2 erwise support, traditional missions of State and
 3 local law enforcement, firefighters, emergency medical
 4 services, or public health agencies, unless such support
 5 serves a dual purpose and the funds are primarily in-
 6 tended to enhance terrorism preparedness;

7 [“(2) to acquire land; or

8 [“(3) for any State or local government cost
 9 sharing contribution.

10 [“(c) *ASSISTANCE REQUIREMENT.*—The Secretary
 11 may not request that equipment paid for, wholly or in part,
 12 with funds provided as a covered grant be made available
 13 for responding to emergencies in surrounding States, re-
 14 gions, and localities, unless the Secretary undertakes to pay
 15 the costs directly attributable to transporting and operating
 16 such equipment during such response.

17 [“(d) *FLEXIBILITY IN UNSPENT HOMELAND SECURITY*
 18 *GRANT FUNDS.*—Upon request by the recipient of a covered
 19 grant, the Secretary may authorize the grantee to transfer
 20 all or part of funds provided as the covered grant from uses
 21 specified in the grant agreement to other uses authorized
 22 under this section, if the Secretary determines that such
 23 transfer is in the interests of homeland security.

24 [“(e) *STATE, REGIONAL, AND TRIBAL RESPONSIBIL-*
 25 *ITIES.*—

1 [“(1) *PASS-THROUGH*.—*The Secretary shall re-*
2 *quire a recipient of a covered grant that is a State*
3 *to obligate or otherwise make available to local gov-*
4 *ernments, first responders, and other local groups, to*
5 *the extent required under the State homeland security*
6 *plan or plans specified in the application for the*
7 *grant, not less than 80 percent of the grant funds, re-*
8 *sources purchased with the grant funds having a*
9 *value equal to at least 80 percent of the amount of*
10 *the grant, or a combination thereof, by not later than*
11 *the end of the 45-day period beginning on the date the*
12 *grant recipient receives the grant funds.*

13 [“(2) *COST SHARING*.—

14 [“(A) *IN GENERAL*.—*The Federal share of*
15 *the costs of an activity carried out with a cov-*
16 *ered grant to a State, region, or directly eligible*
17 *tribe awarded after the 2-year period beginning*
18 *on the date of the enactment of this section shall*
19 *not exceed 75 percent.*

20 [“(B) *INTERIM RULE*.—*The Federal share of*
21 *the costs of an activity carried out with a cov-*
22 *ered grant awarded before the end of the 2-year*
23 *period beginning on the date of the enactment of*
24 *this section shall be 100 percent.*

1 [“(C) *IN-KIND MATCHING.*—*Each recipient*
 2 *of a covered grant may meet the matching re-*
 3 *quirement under subparagraph (A) by making*
 4 *in-kind contributions of goods or services that*
 5 *are directly linked with the purpose for which*
 6 *the grant is made, including, but not limited to,*
 7 *any necessary personnel overtime, contractor*
 8 *services, administrative costs, equipment fuel*
 9 *and maintenance, and rental space.*

10 [“(3) *CERTIFICATIONS REGARDING DISTRIBUTION*
 11 *OF GRANT FUNDS TO LOCAL GOVERNMENTS.*—*Any*
 12 *State that receives a covered grant shall certify to the*
 13 *Secretary, by not later than 30 days after the expira-*
 14 *tion of the period described in paragraph (1) with re-*
 15 *spect to the grant, that the State has made available*
 16 *for expenditure by local governments, first responders,*
 17 *and other local groups the required amount of grant*
 18 *funds pursuant to paragraph (1).*

19 [“(4) *ANNUAL REPORT ON HOMELAND SECURITY*
 20 *SPENDING.*—*Each recipient of a covered grant shall*
 21 *submit a report to the Secretary not later than 60*
 22 *days after the end of each fiscal year. Each recipient*
 23 *of a covered grant that is a region must simulta-*
 24 *neously submit its report to each State of which any*
 25 *part is included in the region. Each recipient of a*

1 *covered grant that is a directly eligible tribe must si-*
2 *multaneously submits its report to each State within*
3 *the boundaries of which any part of such tribe is lo-*
4 *cated. Each report must include the following:*

5 *[“(A) The amount, ultimate recipients, and*
6 *dates of receipt of all funds received under the*
7 *grant during the previous fiscal year.*

8 *[“(B) The amount and the dates of dis-*
9 *bursements of all such funds expended in compli-*
10 *ance with paragraph (1) or pursuant to mutual*
11 *aid agreements or other sharing arrangements*
12 *that apply within the State, region, or directly*
13 *eligible tribe, as applicable, during the previous*
14 *fiscal year.*

15 *[“(C) How the funds were utilized by each*
16 *ultimate recipient or beneficiary during the pre-*
17 *ceding fiscal year.*

18 *[“(D) The extent to which essential capa-*
19 *bilities identified in the applicable State home-*
20 *land security plan or plans were achieved or en-*
21 *hanced as the result of the expenditure of grant*
22 *funds during the preceding fiscal year.*

23 *[“(E) The extent to which essential capa-*
24 *bilities identified in the applicable State home-*
25 *land security plan or plans remain unmet.*

1 [“(5) *INCLUSION OF RESTRICTED ANNEXES.*—A
 2 *recipient of a covered grant may submit to the Sec-*
 3 *retary an annex to the report under paragraph (4)*
 4 *that is subject to appropriate handling restrictions, if*
 5 *the recipient believes that discussion in the report of*
 6 *unmet needs would reveal sensitive but unclassified*
 7 *information.*

8 [“(6) *PROVISION OF REPORTS.*—*The Secretary*
 9 *shall ensure that each report under paragraph (4) is*
 10 *provided to the Under Secretary for Emergency Pre-*
 11 *paredness and Response and the Director of the Office*
 12 *for Domestic Preparedness.*

13 [“(f) *INCENTIVES TO EFFICIENT ADMINISTRATION OF*
 14 *HOMELAND SECURITY GRANTS.*—

15 [“(1) *PENALTIES FOR DELAY IN PASSING*
 16 *THROUGH LOCAL SHARE.*—*If a recipient of a covered*
 17 *grant that is a State fails to pass through to local*
 18 *governments, first responders, and other local groups*
 19 *funds or resources required by subsection (e)(1) with-*
 20 *in 45 days after receiving funds under the grant, the*
 21 *Secretary may—*

22 [“(A) *reduce grant payments to the grant*
 23 *recipient from the portion of grant funds that is*
 24 *not required to be passed through under sub-*
 25 *section (e)(1);*

1 [“(B) terminate payment of funds under the
2 grant to the recipient, and transfer the appro-
3 priate portion of those funds directly to local
4 first responders that were intended to receive
5 funding under that grant; or

6 [“(C) impose additional restrictions or bur-
7 dens on the recipient’s use of funds under the
8 grant, which may include—

9 [“(i) prohibiting use of such funds to
10 pay the grant recipient’s grant-related over-
11 time or other expenses;

12 [“(ii) requiring the grant recipient to
13 distribute to local government beneficiaries
14 all or a portion of grant funds that are not
15 required to be passed through under sub-
16 section (e)(1); or

17 [“(iii) for each day that the grant re-
18 cipient fails to pass through funds or re-
19 sources in accordance with subsection (e)(1),
20 reducing grant payments to the grant re-
21 cipient from the portion of grant funds that
22 is not required to be passed through under
23 subsection (e)(1), except that the total
24 amount of such reduction may not exceed
25 20 percent of the total amount of the grant.

1 [“(2) *EXTENSION OF PERIOD.*—*The Governor of*
2 *a State may request in writing that the Secretary ex-*
3 *tend the 45-day period under paragraph (1) for an*
4 *additional 15-day period. The Secretary may approve*
5 *such a request, and may extend such period for addi-*
6 *tional 15-day periods, if the Secretary determines*
7 *that the resulting delay in providing grant funding to*
8 *the local government entities that will receive funding*
9 *under the grant will not have a significant detri-*
10 *mental impact on such entities’ terrorism prepared-*
11 *ness efforts.*

12 [“(3) *PROVISION OF NON-LOCAL SHARE TO*
13 *LOCAL GOVERNMENT.*—

14 [“(A) *IN GENERAL.*—*The Secretary may*
15 *upon request by a local government pay to the*
16 *local government a portion of the amount of a*
17 *covered grant awarded to a State in which the*
18 *local government is located, if—*

19 [“(i) *the local government will use the*
20 *amount paid to expedite planned enhance-*
21 *ments to its terrorism preparedness as de-*
22 *scribed in any applicable State homeland*
23 *security plan or plans;*

1 [“(ii) the State has failed to pass
2 through funds or resources in accordance
3 with subsection (e)(1); and

4 [“(iii) the local government complies
5 with subparagraphs (B) and (C).

6 [“(B) *SHOWING REQUIRED*.—To receive a
7 payment under this paragraph, a local govern-
8 ment must demonstrate that—

9 [“(i) it is identified explicitly as an
10 ultimate recipient or intended beneficiary
11 in the approved grant application;

12 [“(ii) it was intended by the grantee to
13 receive a severable portion of the overall
14 grant for a specific purpose that is identi-
15 fied in the grant application;

16 [“(iii) it petitioned the grantee for the
17 funds or resources after expiration of the pe-
18 riod within which the funds or resources
19 were required to be passed through under
20 subsection (e)(1); and

21 [“(iv) it did not receive the portion of
22 the overall grant that was earmarked or
23 designated for its use or benefit.

1 [“(C) *EFFECT OF PAYMENT.*—*Payment of*
 2 *grant funds to a local government under this*
 3 *paragraph—*

4 [“(i) *shall not affect any payment to*
 5 *another local government under this para-*
 6 *graph; and*

7 [“(ii) *shall not prejudice consideration*
 8 *of a request for payment under this para-*
 9 *graph that is submitted by another local*
 10 *government.*

11 [“(D) *DEADLINE FOR ACTION BY SEC-*
 12 *RETARY.*—*The Secretary shall approve or dis-*
 13 *approve each request for payment under this*
 14 *paragraph by not later than 15 days after the*
 15 *date the request is received by the Department.*

16 [“(g) *REPORTS TO CONGRESS.*—*The Secretary shall*
 17 *submit an annual report to the Congress by December 31*
 18 *of each year—*

19 [“(1) *describing in detail the amount of Federal*
 20 *funds provided as covered grants that were directed to*
 21 *each State and region in the preceding fiscal year;*

22 [“(2) *containing information on the use of such*
 23 *grant funds by grantees; and*

24 [“(3) *describing, on a nationwide and State-by-*
 25 *State basis—*

1 [“(A) the extent to which essential capabili-
 2 ties identified in applicable State homeland secu-
 3 rity plan or plans were created or enhanced as
 4 the result of the expenditure of covered grant
 5 funds during the preceding fiscal year;

6 [“(B) the extent to which essential capabili-
 7 ties identified in applicable State homeland secu-
 8 rity plan or plans remain unmet; and

9 [“(C) an estimate of the amount of Federal,
 10 State, and local expenditures required to attain
 11 across the United States the essential capabilities
 12 established under section 1802(a).

13 ***[“SEC. 1806. NATIONAL STANDARDS FOR FIRST RESPONDER***
 14 ***EQUIPMENT AND TRAINING.***

15 [“(a) *EQUIPMENT STANDARDS.*—

16 [“(1) *IN GENERAL.*—The Secretary, in consulta-
 17 tion with the Under Secretary for Science and Tech-
 18 nology and the Director of the Office for Domestic
 19 Preparedness, shall, not later than 6 months after the
 20 date of enactment of this section, support the develop-
 21 ment of, promulgate, and update as necessary na-
 22 tional voluntary consensus standards for the perform-
 23 ance, use, and validation of first responder equipment
 24 for purposes of section 1804(e)(7). Such standards—

1 [“(A) shall be, to the maximum extent prac-
2 ticable, consistent with any existing voluntary
3 consensus standards;

4 [“(B) shall take into account, as appro-
5 priate, new types of terrorism threats that may
6 not have been contemplated when such existing
7 standards were developed; and

8 [“(C) shall be focused on maximizing inter-
9 operability, interchangeability, durability, flexi-
10 bility, efficiency, efficacy, portability, sustain-
11 ability, and safety.

12 [“(2) *REQUIRED CATEGORIES.*—In carrying out
13 paragraph (1), the Secretary shall specifically con-
14 sider the following categories of first responder equip-
15 ment:

16 [“(A) *Thermal imaging equipment.*

17 [“(B) *Radiation detection and analysis*
18 *equipment.*

19 [“(C) *Biological detection and analysis*
20 *equipment.*

21 [“(D) *Chemical detection and analysis*
22 *equipment.*

23 [“(E) *Decontamination and sterilization*
24 *equipment.*

1 [“(F) *Personal protective equipment, in-*
2 *cluding garments, boots, gloves, and hoods and*
3 *other protective clothing.*

4 [“(G) *Respiratory protection equipment.*

5 [“(H) *Interoperable communications, in-*
6 *cluding wireless and wireline voice, video, and*
7 *data networks.*

8 [“(I) *Explosive mitigation devices and ex-*
9 *plosive detection and analysis equipment.*

10 [“(J) *Containment vessels.*

11 [“(K) *Contaminant-resistant vehicles.*

12 [“(L) *Such other equipment for which the*
13 *Secretary determines that national voluntary*
14 *consensus standards would be appropriate.*

15 [“(b) *TRAINING STANDARDS.—*

16 [“(1) *IN GENERAL.—The Secretary, in consulta-*
17 *tion with the Under Secretaries for Emergency Pre-*
18 *paredness and Response and Science and Technology*
19 *and the Director of the Office for Domestic Prepared-*
20 *ness, shall support the development of, promulgate,*
21 *and regularly update as necessary national voluntary*
22 *consensus standards for first responder training car-*
23 *ried out with amounts provided under covered grant*
24 *programs, that will enable State and local govern-*
25 *ment first responders to achieve optimal levels of ter-*

1 *rorism preparedness as quickly as practicable. Such*
2 *standards shall give priority to providing training*
3 *to—*

4 *[“(A) enable first responders to prevent,*
5 *prepare for, respond to, and mitigate terrorist*
6 *threats, including threats from chemical, biologi-*
7 *cal, nuclear, and radiological weapons and ex-*
8 *plosive devices capable of inflicting significant*
9 *human casualties; and*

10 *[“(B) familiarize first responders with the*
11 *proper use of equipment, including software, de-*
12 *veloped pursuant to the standards established*
13 *under subsection (a).*

14 *[“(2) REQUIRED CATEGORIES.—In carrying out*
15 *paragraph (1), the Secretary specifically shall include*
16 *the following categories of first responder activities:*

17 *[“(A) Regional planning.*

18 *[“(B) Joint exercises.*

19 *[“(C) Intelligence collection, analysis, and*
20 *sharing.*

21 *[“(D) Emergency notification of affected*
22 *populations.*

23 *[“(E) Detection of biological, nuclear, radi-*
24 *ological, and chemical weapons of mass destruc-*
25 *tion.*

1 *[(F) Such other activities for which the*
2 *Secretary determines that national voluntary*
3 *consensus training standards would be appro-*
4 *priate.*

5 *[(c) CONSULTATION WITH STANDARDS ORGANIZA-*
6 *TIONS.—In establishing national voluntary consensus*
7 *standards for first responder equipment and training under*
8 *this section, the Secretary shall consult with relevant public*
9 *and private sector groups, including—*

10 *[(1) the National Institute of Standards and*
11 *Technology;*

12 *[(2) the National Fire Protection Association;*

13 *[(3) the National Association of County and*
14 *City Health Officials;*

15 *[(4) the Association of State and Territorial*
16 *Health Officials;*

17 *[(5) the American National Standards Insti-*
18 *tute;*

19 *[(6) the National Institute of Justice;*

20 *[(7) the Inter-Agency Board for Equipment*
21 *Standardization and Interoperability;*

22 *[(8) the National Public Health Performance*
23 *Standards Program;*

24 *[(9) the National Institute for Occupational*
25 *Safety and Health;*

1 [“(10) *ASTM International*;
 2 [“(11) *the International Safety Equipment Asso-*
 3 *ciation (ISEA)*; and
 4 [“(12) *to the extent the Secretary considers ap-*
 5 *propriate, other national voluntary consensus stand-*
 6 *ards development organizations, other interested Fed-*
 7 *eral, State, and local agencies, and other interested*
 8 *persons.*

9 **[“SEC. 1807. DEFINITIONS.**

10 [“*In this title:*

11 [“(1) *BOARD.—The term ‘Board’ means the*
 12 *First Responder Grants Board established under sec-*
 13 *tion 1804(f).*

14 [“(2) *COVERED GRANT.—The term ‘covered*
 15 *grant’ means any grant to which this title applies*
 16 *under section 1801.*

17 [“(3) *ELEVATIONS IN THE THREAT ALERT*
 18 *LEVEL.—The term ‘elevations in the threat alert level’*
 19 *means any designation (including those that are less*
 20 *than national in scope) that raises the homeland secu-*
 21 *rity threat level to either the highest or second highest*
 22 *threat level under the Homeland Security Advisory*
 23 *System referred to in section 201(d)(7).*

24 [“(4) *ESSENTIAL CAPABILITIES.—The term ‘es-*
 25 *sential capabilities’ means the levels, availability, and*

1 *competence of emergency personnel, planning, train-*
2 *ing, and equipment across a variety of disciplines*
3 *needed to effectively and efficiently prevent, prepare*
4 *for, and respond to acts of terrorism consistent with*
5 *established practices.*

6 [“(5) *REGION*.—The term ‘region’ means—

7 [“(A) *any geographic area consisting of all*
8 *or parts of 2 or more contiguous States, counties,*
9 *municipalities, or other local governments that*
10 *have a combined population of at least 1,650,000*
11 *or have an area of not less than 20,000 square*
12 *miles, and that, for purposes of an application*
13 *for a covered grant, is represented by 1 or more*
14 *governments or governmental agencies within*
15 *such geographic area, and that is established by*
16 *law or by agreement of 2 or more such govern-*
17 *ments or governmental agencies in a mutual aid*
18 *agreement; or*

19 [“(B) *any other combination of contiguous*
20 *local government units (including such a com-*
21 *bination established by law or agreement of two*
22 *or more governments or governmental agencies*
23 *in a mutual aid agreement) that is formally cer-*
24 *tified by the Secretary as a region for purposes*
25 *of this Act with the consent of—*

1 [“(i) the State or States in which they
2 are located, including a multi-State entity
3 established by a compact between two or
4 more States; and

5 [“(ii) the incorporated municipalities,
6 counties, and parishes which they encom-
7 pass.

8 [“(6) TASK FORCE.—The term ‘Task Force’
9 means the Task Force on Essential Capabilities for
10 First Responders established under section 1803.

11 [“(7) FIRST RESPONDER.—The term ‘first re-
12 sponder’ shall have the same meaning as the term
13 ‘emergency response provider’.

14 [“(8) DIRECTLY ELIGIBLE TRIBE.—The term ‘di-
15 rectly eligible tribe’ means any Indian tribe or con-
16 sortium of Indian tribes that—

17 [“(A) meets the criteria to participate in
18 Self-Governance set forth in section 402(c) of the
19 Indian Self-Determination and Education As-
20 sistance Act (25 U.S.C. 458bb(c));

21 [“(B) employs at least 10 full-time per-
22 sonnel in a law enforcement or emergency re-
23 sponse agency with the capacity to respond to
24 calls for law enforcement or emergency services;
25 and

1 [“(C)(i) is located on, or within 5 miles of,
2 an international border or waterway;

3 [“(ii) is located within 5 miles of a facility
4 within a critical infrastructure sector identified
5 in section 1802(c)(2);

6 [“(iii) is located within or contiguous to
7 one of the 50 largest metropolitan statistical
8 areas; or

9 [“(iv) has more than 1,000 square miles of
10 Indian country, as described in section 1151 of
11 title 18, United States Code.”.

12 [(b) DEFINITION OF EMERGENCY RESPONSE PRO-
13 VIDERS.—Section 2(6) of the Homeland Security Act of
14 2002 (Public Law 107–296; 6 U.S.C. 101(6)) is amended
15 by inserting “fire,” after “law enforcement,”.

16 [(c) TEMPORARY LIMITATION ON APPLICATION.—The
17 following provisions of title XVIII of the Homeland Secu-
18 rity Act of 2002, as amended by subsection (a), shall not
19 apply during the 2 year period beginning on the date of
20 the enactment of this Act:

21 [(1) Subsections (b), (c), (e) (except paragraph
22 (5) of such subsection), and (f)(3)(B) of section 1804.

23 [(2) Subparagraphs (D) and (E) of section
24 1805(e)(4).

25 [(3) Section 1805(g)(3).

1 **[SEC. 4. MODIFICATION OF HOMELAND SECURITY ADVI-**
2 **SORY SYSTEM.**

3 *[(a) IN GENERAL.—Subtitle A of title II of the Home-*
4 *land Security Act of 2002 (Public Law 107–296; 6 U.S.C.*
5 *121 et seq.) is amended by adding at the end the following:*

6 **[“SEC. 203. HOMELAND SECURITY ADVISORY SYSTEM.**

7 *[(“a) IN GENERAL.—The Secretary shall revise the*
8 *Homeland Security Advisory System referred to in section*
9 *201(d)(7) to require that any designation of a threat level*
10 *or other warning shall be accompanied by a designation*
11 *of the geographic regions or economic sectors to which the*
12 *designation applies.*

13 *[(“b) REPORTS.—The Secretary shall report to the*
14 *Congress annually by not later than December 31 each year*
15 *regarding the geographic region-specific warnings and eco-*
16 *nomie sector-specific warnings issued during the preceding*
17 *fiscal year under the Homeland Security Advisory System*
18 *referred to in section 201(d)(7), and the bases for such*
19 *warnings. The report shall be submitted in unclassified*
20 *form and may, as necessary, include a classified annex.”.*

21 *[(b) CLERICAL AMENDMENT.—The table of contents in*
22 *section 1(b) of the Homeland Security Act of 2002 (6 U.S.C.*
23 *101 et seq.) is amended by inserting after the item relating*
24 *to section 202 the following:*

[“203. Homeland Security Advisory System.”.

1 ***[SEC. 5. COORDINATION OF INDUSTRY EFFORTS.***

2 *[Section 102(f) of the Homeland Security Act of 2002*
 3 *(Public Law 107–296; 6 U.S.C. 112(f)) is amended by strik-*
 4 *ing “and” after the semicolon at the end of paragraph (6),*
 5 *by striking the period at the end of paragraph (7) and in-*
 6 *serting “; and”, and by adding at the end the following:*

7 *[“(8) coordinating industry efforts to identify*
 8 *private sector resources and capabilities that could be*
 9 *effective in supplementing Federal, State, and local*
 10 *government agency efforts to prevent or respond to a*
 11 *terrorist attack.”.*

12 ***[SEC. 6. SUPERSEDED PROVISION.***

13 *[This Act supersedes section 1014 of Public Law 107–*
 14 *56.*

15 ***[SEC. 7. SENSE OF CONGRESS REGARDING INTEROPERABLE***
 16 ***COMMUNICATIONS.***

17 *[(a) FINDING.—The Congress finds that—*

18 *[(1) many first responders working in the same*
 19 *jurisdiction or in different jurisdictions cannot effec-*
 20 *tively and efficiently communicate with one another,*
 21 *and*

22 *[(2) their inability to do so threatens the public’s*
 23 *safety and may result in unnecessary loss of lives and*
 24 *property.*

25 *[(b) SENSE OF CONGRESS.—It is the sense of the Con-*
 26 *gress that it is of national importance that interoperable*

1 *emergency communications systems that to the extent pos-*
 2 *sible meet national voluntary consensus standards should*
 3 *be developed and promulgated as soon as practicable for use*
 4 *by the first responder community.*

5 ***[SEC. 8. SENSE OF CONGRESS REGARDING CITIZEN CORPS***
 6 ***COUNCILS.***

7 *[(a) FINDING.—The Congress finds that Citizen Corps*
 8 *councils help to enhance local citizen participation in ter-*
 9 *rorism preparedness by coordinating multiple Citizen*
 10 *Corps programs, developing community action plans, as-*
 11 *sessing possible threats, and identifying local resources.*

12 *[(b) SENSE OF CONGRESS.—It is the sense of the Con-*
 13 *gress that individual Citizen Corps councils should seek to*
 14 *enhance the preparedness and response capabilities of all*
 15 *organizations participating in the councils, including by*
 16 *providing funding to as many of their participating orga-*
 17 *nizations as practicable to promote local terrorism pre-*
 18 *paredness programs.*

19 ***[SEC. 9. STUDY REGARDING NATIONWIDE EMERGENCY NO-***
 20 ***TIFICATION SYSTEM.***

21 *[(a) STUDY.—The Secretary of Homeland Security, in*
 22 *consultation with the heads of other appropriate Federal*
 23 *agencies and representatives of providers and participants*
 24 *in the telecommunications industry, shall conduct a study*
 25 *to determine whether it is cost-effective, efficient, or feasible*

1 *to establish and implement an emergency telephonic alert*
2 *notification system that will—*

3 *[(1) alert persons in the United States of immi-*
4 *nent or current hazardous events caused by acts of*
5 *terrorism; and*

6 *[(2) provide information to individuals regard-*
7 *ing appropriate measures that may be undertaken to*
8 *alleviate or minimize threats to their safety and wel-*
9 *fare posed by such events.*

10 *[(b) TECHNOLOGIES TO CONSIDER.—In conducting the*
11 *study, the Secretary shall consider the use of the telephone,*
12 *wireless communications, and other existing communica-*
13 *tions networks to provide such notification.*

14 *[(c) REPORT.—Not later than 9 months after the date*
15 *of the enactment of this Act, the Secretary shall submit to*
16 *the Congress a report regarding the conclusions of the study.*

17 ***[SEC. 10. AUTHORIZATION OF APPROPRIATIONS.***

18 *[For making covered grants (as that term is defined*
19 *in section 1807 of the Homeland Security Act of 2002, as*
20 *amended by this Act) there is authorized to be appropriated*
21 *to the Secretary of Homeland Security \$3,400,000,000 for*
22 *fiscal year 2006.*

1 **[SEC. 11. AUTHORITY TO ENTER INTO CONTRACTS AND**
2 **ISSUE FEDERAL LOAN GUARANTEES.**

3 *[(a) FINDING.—Congress finds that there is a public*
4 *interest in protecting high-risk nonprofit organizations*
5 *from international terrorist attacks that would disrupt the*
6 *vital services such organizations provide to the people of*
7 *the United States and threaten the lives and well-being of*
8 *United States citizens who operate, utilize, and live or work*
9 *in proximity to such organizations.*

10 *[(b) PURPOSES.—The purposes of this section are to—*

11 *[(1) establish within the Department of Home-*
12 *land Security a program to protect United States*
13 *citizens at or near high-risk nonprofit organizations*
14 *from international terrorist attacks through loan*
15 *guarantees and Federal contracts for security en-*
16 *hancements and technical assistance;*

17 *[(2) establish a program within the Department*
18 *of Homeland Security to provide grants to local gov-*
19 *ernments to assist with incremental costs associated*
20 *with law enforcement in areas in which there are a*
21 *high concentration of high-risk nonprofit organiza-*
22 *tions vulnerable to international terrorist attacks; and*

23 *[(3) establish an Office of Community Relations*
24 *and Civic Affairs within the Department of Home-*
25 *land Security to focus on security needs of high-risk*

1 *nonprofit organizations with respect to international*
2 *terrorist threats.*

3 *[(c) AUTHORITY.—The Homeland Security Act of 2002*
4 *(6 U.S.C. 101 et seq.), as amended by this Act, is further*
5 *amended by adding at the end the following:*

6 ***["TITLE XIX—PROTECTION OF***
7 ***CITIZENS AT HIGH-RISK NON-***
8 ***PROFIT ORGANIZATIONS***

9 ***["SEC. 1901. DEFINITIONS.***

10 *[" In this title:*

11 *["(1) CONTRACT.—The term ‘contract’ means a*
12 *contract between the Federal Government and a con-*
13 *tractor selected from the list of certified contractors to*
14 *perform security enhancements or provide technical*
15 *assistance approved by the Secretary under this title.*

16 *["(2) FAVORABLE REPAYMENT TERMS.—The*
17 *term ‘favorable repayment terms’ means the repay-*
18 *ment terms of loans offered to nonprofit organizations*
19 *under this title that—*

20 *["(A) are determined by the Secretary, in*
21 *consultation with the Secretary of the Treasury,*
22 *to be favorable under current market conditions;*

23 *["(B) have interest rates at least 1 full per-*
24 *centage point below the market rate; and*

1 *[“(C) provide for repayment over a term*
2 *not less than 25 years.*

3 *[“(3) NONPROFIT ORGANIZATION.—The term*
4 *‘nonprofit organization’ means an organization*
5 *that—*

6 *[“(A) is described under section 501(c)(3) of*
7 *the Internal Revenue Code of 1986 and exempt*
8 *from taxation under section 501(a) of such Code;*
9 *and*

10 *[“(B) is designated by the Secretary under*
11 *section 1903(a).*

12 *[“(4) SECURITY ENHANCEMENTS.—The term ‘se-*
13 *curity enhancements’—*

14 *[“(A) means the purchase and installation*
15 *of security equipment in real property (includ-*
16 *ing buildings and improvements), owned or*
17 *leased by a nonprofit organization, specifically*
18 *in response to the risk of attack at a nonprofit*
19 *organization by an international terrorist orga-*
20 *nization;*

21 *[“(B) includes software security measures;*
22 *and*

23 *[“(C) does not include enhancements that*
24 *would otherwise have been reasonably necessary*
25 *due to nonterrorist threats.*

1 [“(5) *TECHNICAL ASSISTANCE*.—*The term ‘tech-*
2 *nical assistance’—*

3 [“(A) *means guidance, assessment, rec-*
4 *ommendations, and any other provision of infor-*
5 *mation or expertise which assists nonprofit orga-*
6 *nizations in—*

7 [“(i) *identifying security needs;*

8 [“(ii) *purchasing and installing secu-*
9 *rity enhancements;*

10 [“(iii) *training employees to use and*
11 *maintain security enhancements; or*

12 [“(iv) *training employees to recognize*
13 *and respond to international terrorist*
14 *threats; and*

15 [“(B) *does not include technical assistance*
16 *that would otherwise have been reasonably nec-*
17 *essary due to nonterrorist threats.*

18 [“**SEC. 1902. AUTHORITY TO ENTER INTO CONTRACTS AND**
19 **ISSUE FEDERAL LOAN GUARANTEES.**

20 [“(a) *IN GENERAL*.—*The Secretary may—*

21 [“(1) *enter into contracts with certified contrac-*
22 *tors for security enhancements and technical assist-*
23 *ance for nonprofit organizations; and*

24 [“(2) *issue Federal loan guarantees to financial*
25 *institutions in connection with loans made by such*

1 *institutions to nonprofit organizations for security*
2 *enhancements and technical assistance.*

3 [*“(b) LOANS.—The Secretary may guarantee loans*
4 *under this title—*

5 [*“(1) only to the extent provided for in advance*
6 *by appropriations Acts; and*

7 [*“(2) only to the extent such loans have favorable*
8 *repayment terms.*

9 [**“SEC. 1903. ELIGIBILITY CRITERIA.**

10 [*“(a) IN GENERAL.—The Secretary shall designate*
11 *nonprofit organizations as high-risk nonprofit organiza-*
12 *tions eligible for contracts or loans under this title based*
13 *on the vulnerability of the specific site of the nonprofit orga-*
14 *nization to international terrorist attacks.*

15 [*“(b) VULNERABILITY DETERMINATION.—In deter-*
16 *mining vulnerability to international terrorist attacks and*
17 *eligibility for security enhancements or technical assistance*
18 *under this title, the Secretary shall consider—*

19 [*“(1) threats of international terrorist organiza-*
20 *tions (as designated by the State Department) against*
21 *any group of United States citizens who operate or*
22 *are the principal beneficiaries or users of the non-*
23 *profit organization;*

24 [*“(2) prior attacks, within or outside the United*
25 *States, by international terrorist organizations*

1 *against the nonprofit organization or entities associ-*
2 *ated with or similarly situated as the nonprofit orga-*
3 *nization;*

4 *[(“(3) the symbolic value of the site as a highly*
5 *recognized United States cultural or historical insti-*
6 *tution that renders the site a possible target of inter-*
7 *national terrorism;*

8 *[(“(4) the role of the nonprofit organization in re-*
9 *sponding to international terrorist attacks; and*

10 *[(“(5) any recommendations of the applicable*
11 *State Homeland Security Authority established under*
12 *section 1906 or Federal, State, and local law enforce-*
13 *ment authorities.*

14 *[(“(c) DOCUMENTATION.—In order to be eligible for se-*
15 *curity enhancements, technical assistance or loan guaran-*
16 *tees under this title, the nonprofit organization shall pro-*
17 *vide the Secretary with documentation that—*

18 *[(“(1) the nonprofit organization hosted a gath-*
19 *ering of at least 100 or more persons at least once*
20 *each month at the nonprofit organization site during*
21 *the preceding 12 months; or*

22 *[(“(2) the nonprofit organization provides services*
23 *to at least 500 persons each year at the nonprofit or-*
24 *ganization site.*

1 *[(d) TECHNICAL ASSISTANCE ORGANIZATIONS.—If*
 2 *or more nonprofit organizations establish another nonprofit*
 3 *organization to provide technical assistance, that estab-*
 4 *lished organization shall be eligible to receive security en-*
 5 *hancements and technical assistance under this title based*
 6 *upon the collective risk of the nonprofit organizations it*
 7 *serves.*

8 ***["SEC. 1904. USE OF LOAN GUARANTEES.***

9 *["Funds borrowed from lending institutions, which are*
 10 *guaranteed by the Federal Government under this title, may*
 11 *be used for technical assistance and security enhancements.*

12 ***["SEC. 1905. NONPROFIT ORGANIZATION APPLICATIONS.***

13 *["(a) IN GENERAL.—A nonprofit organization desir-*
 14 *ing assistance under this title shall submit a separate appli-*
 15 *cation for each specific site needing security enhancements*
 16 *or technical assistance.*

17 *["(b) CONTENT.—Each application shall include—*

18 *["(1) a detailed request for security enhance-*
 19 *ments and technical assistance, from a list of ap-*
 20 *proved enhancements and assistance issued by the*
 21 *Secretary under this title;*

22 *["(2) a description of the intended uses of funds*
 23 *to be borrowed under Federal loan guarantees; and*

24 *["(3) such other information as the Secretary*
 25 *shall require.*

1 *[(c) JOINT APPLICATION.—Two or more nonprofit or-*
 2 *ganizations located on contiguous sites may submit a joint*
 3 *application.*

4 ***["SEC. 1906. REVIEW BY STATE HOMELAND SECURITY AU-***
 5 ***THORITIES.***

6 *[(a) ESTABLISHMENT OF STATE HOMELAND SECU-*
 7 *RITY AUTHORITIES.—In accordance with regulations pre-*
 8 *scribed by the Secretary, each State may establish a State*
 9 *Homeland Security Authority to carry out this title.*

10 *[(b) APPLICATIONS.—*

11 *[(1) SUBMISSION.—Applications shall be sub-*
 12 *mitted to the applicable State Homeland Security*
 13 *Authority.*

14 *[(2) EVALUATION.—After consultation with*
 15 *Federal, State, and local law enforcement authorities,*
 16 *the State Homeland Security Authority shall evaluate*
 17 *all applications using the criteria under section 1903*
 18 *and transmit all qualifying applications to the Sec-*
 19 *retary ranked by severity of risk of international ter-*
 20 *rorist attack.*

21 *[(3) APPEAL.—An applicant may appeal the*
 22 *finding that an application is not a qualifying appli-*
 23 *cation to the Secretary under procedures that the Sec-*
 24 *retary shall issue by regulation not later than 90*
 25 *days after the date of enactment of this title.*

1 **[“SEC. 1907. SECURITY ENHANCEMENT AND TECHNICAL AS-**
2 **SISTANCE CONTRACTS AND LOAN GUARAN-**
3 **TEES.**

4 *[“(a) IN GENERAL.—Upon receipt of the applications,*
5 *the Secretary shall select applications for execution of secu-*
6 *rity enhancement and technical assistance contracts, or*
7 *issuance of loan guarantees, giving preference to the non-*
8 *profit organizations determined to be at greatest risk of*
9 *international terrorist attack based on criteria under sec-*
10 *tion 1903.*

11 *[“(b) SECURITY ENHANCEMENTS AND TECHNICAL AS-*
12 *SISTANCE; FOLLOWED BY LOAN GUARANTEES.—The Sec-*
13 *retary shall execute security enhancement and technical as-*
14 *sistance contracts for the highest priority applicants until*
15 *available funds are expended, after which loan guarantees*
16 *shall be made available for additional applicants deter-*
17 *mined to be at high risk, up to the authorized amount of*
18 *loan guarantees. The Secretary may provide with respect*
19 *to a single application a combination of such contracts and*
20 *loan guarantees.*

21 *[“(c) JOINT APPLICATIONS.—Special preference shall*
22 *be given to joint applications submitted on behalf of mul-*
23 *tiple nonprofit organizations located in contiguous settings.*

24 *[“(d) MAXIMIZING AVAILABLE FUNDS.—Subject to*
25 *subsection (b), the Secretary shall execute security enhance-*
26 *ment and technical assistance contracts in such amounts*

1 *as to maximize the number of high-risk applicants nation-*
2 *wide receiving assistance under this title.*

3 [“(e) *APPLICANT NOTIFICATION.*—Upon selecting a
4 nonprofit organization for assistance under this title, the
5 Secretary shall notify the nonprofit organization that the
6 Federal Government is prepared to enter into a contract
7 with certified contractors to install specified security en-
8 hancements or provide specified technical assistance at the
9 site of the nonprofit organization.

10 [“(f) *CERTIFIED CONTRACTORS.*—

11 [“(1) *IN GENERAL.*—Upon receiving a notifica-
12 tion under subsection (e), the nonprofit organization
13 shall select a certified contractor to perform the speci-
14 fied security enhancements, from a list of certified
15 contractors issued and maintained by the Secretary
16 under subsection (j).

17 [“(2) *LIST.*—The list referred to in paragraph
18 (1) shall be comprised of contractors selected on the
19 basis of—

20 [“(A) *technical expertise;*

21 [“(B) *performance record including quality*
22 *and timeliness of work performed;*

23 [“(C) *adequacy of employee criminal back-*
24 *ground checks; and*

25 [“(D) *price competitiveness.*

1 [“(3) *OTHER CERTIFIED CONTRACTORS.*—*The*
2 *Secretary shall include on the list of certified contrac-*
3 *tors additional contractors selected by senior officials*
4 *at State Homeland Security Authorities and the chief*
5 *executives of county and other local jurisdictions.*
6 *Such additional certified contractors shall be selected*
7 *on the basis of the criteria under paragraph (2).*

8 [“(g) *ENSURING THE AVAILABILITY OF CONTRAC-*
9 *TORS.*—*If the list of certified contractors under this section*
10 *does not include any contractors who can begin work on*
11 *the security enhancements or technical assistance within 60*
12 *days after applicant notification, the nonprofit organiza-*
13 *tion may submit a contractor not currently on the list to*
14 *the Secretary for the Secretary’s review. If the Secretary*
15 *does not include the submitted contractor on the list of cer-*
16 *tified contractors within 60 days after the submission and*
17 *does not place an alternative contractor on the list within*
18 *the same time period (who would be available to begin the*
19 *specified work within that 60-day period), the Secretary*
20 *shall immediately place the submitted contractor on the list*
21 *of certified contractors and such contractor shall remain on*
22 *such list until—*

23 [“(1) *the specified work is completed; or*

24 [“(2) *the Secretary can show cause why such*
25 *contractor may not retain certification, with such de-*

1 *terminations subject to review by the Comptroller*
2 *General of the United States.*

3 [“(h) *CONTRACTS.*—Upon selecting a certified con-
4 *tractor to provide security enhancements and technical as-*
5 *sistance approved by the Secretary under this title, the non-*
6 *profit organization shall notify the Secretary of such selec-*
7 *tion. The Secretary shall deliver a contract to such con-*
8 *tractor within 10 business days after such notification.*

9 [“(i) *CONTRACTS FOR ADDITIONAL WORK OR UP-*
10 *GRADES.*—A nonprofit organization, using its own funds,
11 *may enter into an additional contract with the certified*
12 *contractor, for additional or upgraded security enhance-*
13 *ments or technical assistance. Such additional contracts*
14 *shall be separate contracts between the nonprofit organiza-*
15 *tion and the contractor.*

16 [“(j) *EXPEDITING ASSISTANCE.*—In order to expedite
17 *assistance to nonprofit organizations, the Secretary shall—*

18 [“(1) *compile a list of approved technical assist-*
19 *ance and security enhancement activities within 45*
20 *days after the date of enactment of this title;*

21 [“(2) *publish in the Federal Register within 60*
22 *days after such date of enactment a request for con-*
23 *tractors to submit applications to be placed on the list*
24 *of certified contractors under this section;*

1 [“(3) after consultation with the Secretary of the
 2 Treasury, publish in the Federal Register within 60
 3 days after such date of enactment, prescribe regula-
 4 tions setting forth the conditions under which loan
 5 guarantees shall be issued under this title, including
 6 application procedures, expeditious review of applica-
 7 tions, underwriting criteria, assignment of loan guar-
 8 antees, modifications, commercial validity, defaults,
 9 and fees; and

10 [“(4) publish in the Federal Register within 120
 11 days after such date of enactment (and every 30 days
 12 thereafter) a list of certified contractors, including
 13 those selected by State Homeland Security Authori-
 14 ties, county, and local officials, with coverage of all
 15 50 States, the District of Columbia, and the terri-
 16 tories.

17 **[“SEC. 1908. LOCAL LAW ENFORCEMENT ASSISTANCE**
 18 **GRANTS.**

19 [“(a) *IN GENERAL.*—The Secretary may provide
 20 grants to units of local government to offset incremental
 21 costs associated with law enforcement in areas where there
 22 is a high concentration of nonprofit organizations.

23 [“(b) *USE.*—Grant funds received under this section
 24 may be used only for personnel costs or for equipment needs
 25 specifically related to such incremental costs.

1 [“(c) *MAXIMIZATION OF IMPACT.*—*The Secretary shall*
 2 *award grants in such amounts as to maximize the impact*
 3 *of available funds in protecting nonprofit organizations na-*
 4 *tionwide from international terrorist attacks.*

5 [“**SEC. 1909. OFFICE OF COMMUNITY RELATIONS AND CIVIC**
 6 **AFFAIRS.**

7 [“(a) *IN GENERAL.*—*There is established within the*
 8 *Department, the Office of Community Relations and Civic*
 9 *Affairs to administer grant programs for nonprofit organi-*
 10 *zations and local law enforcement assistance.*

11 [“(b) *ADDITIONAL RESPONSIBILITIES.*—*The Office of*
 12 *Community Relations and Civic Affairs shall—*

13 [“(1) *coordinate community relations efforts of*
 14 *the Department;*

15 [“(2) *serve as the official liaison of the Secretary*
 16 *to the nonprofit, human and social services, and*
 17 *faith-based communities; and*

18 [“(3) *assist in coordinating the needs of those*
 19 *communities with the Citizen Corps program.*

20 [“**SEC. 1910. AUTHORIZATION OF APPROPRIATIONS AND**
 21 **LOAN GUARANTEES.**

22 [“(a) *NONPROFIT ORGANIZATIONS PROGRAM.*—*There*
 23 *are authorized to be appropriated to the Department to*
 24 *carry out the nonprofit organization program under this*

1 *title, \$100,000,000 for fiscal year 2005 and such sums as*
2 *may be necessary for fiscal years 2006 and 2007.*

3 *[(b) LOCAL LAW ENFORCEMENT ASSISTANCE*
4 *GRANTS.—There are authorized to be appropriated to the*
5 *Department for local law enforcement assistance grants*
6 *under section 1908, \$50,000,000 for fiscal year 2005 and*
7 *such sums as may be necessary for fiscal years 2006 and*
8 *2007.*

9 *[(c) OFFICE OF COMMUNITY RELATIONS AND CIVIC*
10 *AFFAIRS.—There are authorized to be appropriated to the*
11 *Department for the Office of Community Relations and*
12 *Civic Affairs under section 1909, \$5,000,000 for fiscal year*
13 *2005 and such sums as may be necessary for fiscal years*
14 *2006 and 2007.*

15 *[(d) LOAN GUARANTEES.—*

16 *[(1) AUTHORIZATION OF APPROPRIATIONS.—*
17 *There are authorized to be appropriated in each of*
18 *fiscal years 2005, 2006, and 2007, such amounts as*
19 *may be required under the Federal Credit Act with*
20 *respect to Federal loan guarantees authorized by this*
21 *title, which shall remain available until expended.*

22 *[(2) LIMITATION.—The aggregate value of all*
23 *loans for which loan guarantees are issued under this*
24 *title by the Secretary may not exceed \$250,000,000 in*
25 *each of fiscal years 2005, 2006, and 2007.”.*

1 *[(d) CLERICAL AMENDMENT.—The table of contents*
 2 *under section 1(b) of the Homeland Security Act of 2002*
 3 *(6 U.S.C. 101(b)) is amended by adding at the end the fol-*
 4 *lowing:*

*["TITLE XIX—PROTECTION OF CITIZENS AT HIGH-RISK NONPROFIT
ORGANIZATIONS*

["Sec. 1901. Definitions.

["Sec. 1902. Authority to enter into contracts and issue Federal loan guarantees.

["Sec. 1903. Eligibility criteria.

["Sec. 1904. Use of loan guarantees.

["Sec. 1905. Nonprofit organization applications.

["Sec. 1906. Review by State Homeland Security Authorities.

*["Sec. 1907. Security enhancement and technical assistance contracts and loan
guarantees.*

["Sec. 1908. Local law enforcement assistance grants.

["Sec. 1909. Office of Community Relations and Civic Affairs.

["Sec. 1910. Authorization of appropriations and loan guarantees.”.]

Amend the title so as to read: “A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prepare the United States to prevent, mitigate, respond to, and recover from major disasters and emergencies, including those caused by terrorist attacks, and for other purposes.”.

Union Calendar No. 325

108TH CONGRESS
2^D SESSION

H. R. 3266

[Report No. 108-460, Parts I, II, III, and IV]

A BILL

To authorize the Secretary of Homeland Security to make grants to first responders, and for other purposes.

JUNE 21, 2004

Reported from the Committee on Transportation and
Infrastructure with amendments

JUNE 21, 2004

Reported from the Committee on the Judiciary with an amendment; committed to the Committee of the Whole House on the State of the Union and ordered to be printed